

Bombay Gazette.

Volume 34. Wednesday, September 17, 1823. No. 1737.

Advertisement.

WHEREAS in Conformity with Article 13 of Rule Ordinance and Regulation III. of 1815 the Surveyor of Roads and Buildings has been authorized by the Court of Petty Sessions to point out and mark all such Cocoanut and other Trees growing near the Highways, as injure the Roads and endanger the lives of His Majesty's subjects, in order that the said Trees be cut down and removed by the Owners, and the same having accordingly been so marked, Notice is hereby given that if within six days from the date of this notification the said Trees shall not have been cut down and removed the same shall be forthwith cut down and removed by authority of the said Court under the afore-said Regulation.

By Order of the Court of
Petty Sessions,
Wm. FENWICK,
Clerk.

BOMBAY,
PETTY SESSIONS OFFICE,
1st September 1823.

महेश्वर मजूर

श्री. मुमजूरनां. कोरट. पीटी
शेशंननां. कुकमयी. इनो. कलारक.
भीशतर. वीलीमम. रेनवीक. ल
इरे. करेयने. शने. १८१५ नो. का
इहो. ३ पालीशीनो. नेमांनी. कल
मनेरमीनां. मर. कुकमयी. कोरट
पीटीशेशंननां. वाला. रशता. नथा.
धमारतोनां. नपाश. नार. धननेर
ने. मपतीमार. मापे. मो. छेने. ने
को. ननां. नारी. मदीनां. नथा. मी. न

मो. शे. टां. लडा. जो. ने. म. रशता. नी
न. ल. क. शे. ने. थी. रशता. नथा. पा.
पा. द. शा. ही. र. ध. म. न. लो. के. ने. न. ल
ल. था. डि. छे. ने. का. प. वा. शा. इ. नी. शां
नी. करे. ने. प. र. मां. छे. ने. ध. न. ने. र.
न. पा. श. न. रे. ने. ल. डा. जो. उ. प. र. नी
शां. नी. की. मी. छे. ने. शा. इ. म. ल. उ. म. म.
म. र. म. म. पी. डि. य. ने. डि. छ. पी. ने. ल. डे
र. करे. म. प. छी. नी. न. ६ मां. डि. री
न. नां. नी. शां. नी. की. मी. लां. ल. डा. जो. शे
नां. थ. छी. डि. का. पी. ने. ल. ध. न. वां. म.
ग. र. न. ही. ल. ध. न. शे. ने. उ. प. र. ल. म.
ला. का. डि. द. नां. म. र. कु. क. म. को. र. ट.
पी. टी. शेशं. ननां. कु. क. म. मी. का. पी. ल. ध.
न. शे. *

ना. १ ली. श. ट. म. म. र. १८२३

ओ

खबर देलो

जैसो. ज. को. र. ट. पी. टी. से. स. न. चे. उ. क. मा. व. रु. न
उ. ई. ल. म. फो. न. उ. ई. क. पी. टी. से. स. न. चे. क. ला. र्क. जा
हो. र. करि. तो. ज. स. म. १८१५. चो. का. य. दा. प.
उ. सो. चो. ३. क. ल. म. १३. वें. त्या. ब. र. ह. कु. म. को.
ठ. पी. टी. से. स. न. वा. ले. या. हीं. ई. मा. र. को. व. र.
स. ते. त. पा. स. ना. र. ई. ज. ने. र. या. स. अ. ख. ल. या. र. दि.
ल्हा. आ. हीं. को. र. स. त्या. ज. व. न. मा. ड. व. मो. ठीं. इ.
तर. हा. डें. आ. लीं. अ. स. ल. या. स. बा. द. शा. ई. र. य. ते. स.
व. र. स. त्या. स. न. उ. क. स. ना. न. हो. त. अ. स. ल. या. स. त्या. हा.
डा. व. र. तो. डा. चो. नो. शा. णो. करा. वो. कां. तर. त्या.
हा. डा. चे. ध. द. ना. नो. तो. हा. डें. का. पु. न. न. या. वीं. आ.

णि. त्या. हा. डा. व. र. पी. टी. से. स. न. चे. आ. चे. प्र. नो. र.
ज. नो. शा. णो. हो. के. लो. आ. चे. या. स. व. ख. ब. र. दे. से.
जै. सो. जे. व. र. लो. ही. ले. लीं. हा. डें. हे. हा. प. ले. दि. व.
या. पा. स. न. सा. हा. दि. व. सा. चे. आ. त. का. पु. न. न. ने.
त्या. स. को. र. ट. पी. टी. से. स. न. चे. आ. चे. व. रु. न. लो. ही. ल.
त्या. का. य. दा. ब. र. ह. कु. म. का. पु. न. ने. वी. ल. व. आ. रो.
ख. १. स. प. त्थें. व. र. स. न. १८२३.

Notice is hereby Given

IT appearing that Rule Ordinance and Regulation I. of 1818, repealing Rule Ordinance and Regulation II. of 1815, and providing for widening the Wheels of Carts Hackeries and other Native Conveyances, has never been regularly enforced, although the said Rule Ordinance and Regulation was passed in Council the 18th Day of February 1818, and duly published and registered in the Court of Recorder of Bombay on the 12th Day of July 1819; it is hereby publicly notified, that if on or after the 1st October 1823 next ensuing any of the Vehicles provided for in the said Rule Ordinance and Regulation I. of 1818, be found on the public Roads with Wheels of a less breadth than those therein specified, or without being Numbered, the person or persons to whom they belong shall be fined for every such Offence a sum not exceeding Rupees fifty, at the discretion of the Petty Sessions, one moiety of which shall be given to the informer as that Rule Ordinance and Regulation directs.

By Order of the Court of
Petty Sessions,
Wm. FENWICK,
Clerk.

BOMBAY,
PETTY SESSIONS OFFICE,
1st September 1823.

म. म. र. ही. मां. थी. मा. पी. डि. य. ने. *

श्री. मुमजूरनां. कोरट. पीटी
शेशंननां. कुकमयी. इनो. कलारक.
भीशतर. वीलीमम. रेनवीक. ल

असो जे मुबईचे कोडत पोटीसेसनचे ठक मावरून पोटीसेसनचा कलार्क उईलम फौज उईक जाहोर करीतां असो जे त्या कोर्टवा त्यांचे नजरेस येतेंकीं पालिसीचा कायदा १ सन १८१८ ईपेची कोसबातून फर्मावोला आहे त्यांत पालिसीचा कायदा २ सन १८१५ चा रद केला आहे आणि या यांचे लोक चा गाढा व रेकले व इतर बारकसें यांचीं चाकें रुंद करावया करितां तो कायदा फर्माविजा होता तो अद्यापि चाजत नाहीं तो मागे तारीख १८ फेब्रुवारी सन १८१८ मध्ये जाहोर केला होता आणि तारीख १२ जून १८१८ मध्ये मुबईचे शोकाडरे कोडतामध्ये बार केला होता यास्तव पुन्हा उघडें जाहोर करीतां जे या पालिसीचा कायदा १ सन १८१८ चा यांत जाहोर केलें होतां या बरकतुम हर येक बारकसाचेसन चाकाचीं रुंदी येते अकटोबरचे तारीख १ १८२३ उमरांत बर नंबर असल्यास व चाकाची रुंदी कमी असल्यास त्या बारकसाचा धनो अथवा धन्यापासून पोटीसेसनचे ठकमावरून या अपराधाचा दंड रुपये ५० घेतो ज आणि त्यांतून ज्या रीतीने कोसबा त्यांनीं पालिसीचे कायद्यांत फर्मावोला आहे त्या प्रमाणे चाकाची आगुन जाहोर करोल त्यास दंडातून अर्धाभाग देतील तारीख १ सप्टेंबर सन १८२३

In consequence of the encouragement and patronage, which the Projector has hitherto experienced, he has endeavored to evince his gratitude by adapting

his Scheme to the exclusive views and interests of his Subscribers and he hopes that the present plan will be found to embrace both.

JOHN VALLENTE,
PROJECTOR
CALCUTTA,
5th August 1823. (2)

AN
INQUIRY
INTO THE
Expediency
OF
APPLYING THE PRINCIPLES
OF
COLONIAL
Policy
TO THE
Government of India,
&c.

London, Printed for J. M. Richardson, 1822.

MESSRS.
Kempt and Co.
HAVE RECEIVED
A FEW
COPIES
OF THE ABOVE WORK, FOR SALE
AT RS. 12 PER COPY.
Bombay, 17th September 1823.

Kempt and Co.
WILL SELL
BY PUBLIC AUCTION,
AT A
Godown
UNDER THE OFFICE OF
Messrs Pereira, Sobrinho & Co.
On Saturday next, the 20th Inst.
THE REMAINING LOT OF
THE LATE
Lalla Figueira's
STOCK IN TRADE
CONSISTING OF

MADEIRA Wine in Pipe and
Bottles, Beer in Hhds. and Bottles,
Cyder, Perry, French Brandy, Gin, Rum,
Sheraz Wines, Agardente, Tamarind
Jelly, Ginger Sweetmeats, and a Lot of
Empty Bottles.
Bombay, 13th September 1823.

Kempt and Co. Baxter and Co.

WILL SELL
BY PUBLIC AUCTION
On Wednesday, and Thursday next,
THE 24TH AND 25TH INST.
• SUNDRY SHOP GOODS,

THE
Property of the late Firm

OF
Messrs. Lugin and Watson,

FLANNEL, Boots, Shoes, Saddlery,
Perfumery, &c. &c. &c. and a num-
ber of other Articles.

Bombay, 17th September 1823.

Kempt and Co.

WILL SELL
BY PUBLIC AUCTION,
On Wednesday the 15th of Oct. next,
AN EXTENSIVE INVOICE

OF
JEWELLERY
RECENTLY IMPORTED

ON THE
Ship Asia
Captain Pope,

The principal Articles are as follows:

A N Elegant Garnet and Pearl Suite
in a Morocco case.
Ditto, Topaz Pearl and Torquoise
do. in do.
Ditto, Waist Clasp, Aqua Marine,
Pearl, Topaz, Torquoise and Dia-
mond.
A Filagree (Elastic) Gold Necklace
and Bracelets with Pearl Snaps.
A ditto do. do. with Cross and Ear-
rings set with Torquoise.
And a great variety of Earrings, Fil-
lagree plain gold, set with Torquoise
Emerald and Rubies, Broaches, plain
and with Pearl, Filagree gold Pins
&c. &c.

Catalogues are preparing and will be
ready in Seven days from this date,
when they may be had on application.

Orders from outstations with a re-
mittance will be promptly attended to.

N. B. The Jewellery will be expos-
ed to view one week previous to the
sale.

Bombay, 13th September 1823.

WILL dispose of by Public Aucti-
on Tomorrow Thursday the 18th
instant, 10 Hogsheads of Excellent
Pale Ale, several Casks of salted Her-
rings and Cod Fish in good preservati-
on; an Assortment of Looking Glasses,
Snuff, Telescopes, Cutlery, Wines, Bot-
tled Beer, Hollands, Tea, &c.

Bombay, 17th September 1823.

Chandeliers

FOR SALE
Messrs. BAXTER and Co.

B E G leave respectfully to inform
their Friends and the Public, that
they have opened for Sale on Commis-
sion some Elegant and Fashionable Chan-
deliers, which they will dispose of on
reasonable terms, as under viz.

One pair of 8 lights,
One pair 6 do.
One pair 4 do.

Three pairs of Table Chandeliers.
Bombay, 17th September 1823.

Lost.

ON Monday 15th. a Large BULL
Dog; black with white streak on
the head; whoever will bring the Dog
or give information of him to Captain
Ambrose, at Guirgaon, shall receive
one Gold Mohur reward and all ex-
pences paid.

Bombay, 17th September 1823.

For Freight
THE FAST SAILING SHIP



Glorioso,

Captain J. Paterson.

WILL leave this the latter end of
this Month, and will receive
Freight for Calcutta, Malabar Coast,
Columbo, or Point de Galle.

Apply to Messrs ROGER DE FA-
RIA, and Co. in Tamarind Lane.

Bombay, 17th September 1823.

Burjorjee Framjee and Limjee Dadabhoy.

RESPECTFULLY inform the Public that at 11 o'clock this day they will continue to Sell by Auction at their Shop in HENSHAW'S Buildings, various Articles of Millinery, Ribbons, Sattins, Worked Muslin Dress, Ball Thread, Hosiery, Ladies Shoes, Books' &c. likewise a Parcel of Qaeu's Ware lately imported; and that such of their Goods as may remain unsold will be put up next Wednesday at the same hour.

Bombay, 17th September 1823.

GENERAL ORDERS.

BOMBAY CASTLE, 9th September 1823.

By the Hon'ble the Governor in Council.

WITH reference to the late supply of Iron Barrack Cots for the Troops under this Presidency, the Hon'ble the Governor in Council is pleased to authorize the following rates of stoppages to be established for replacing the Cots or such parts of them as may be lost, damaged or broken through carelessness or neglect.

Table of Stoppages required to be made for replacing the Articles specified.

Total Value	Rs.	qu.	rs.	Value of one of each.	Rs.	qu.	rs.	Weight of one of each.	lbs.	oz.	No. of each.
One of the long bars.	00	00	00	00	00	00	00	10	00	00	5
One of the Cross do.	00	00	00	00	00	00	00	00	00	00	2
One Iron Nut.	00	00	00	00	00	00	00	00	00	00	4
One Head Piece.	00	00	00	00	00	00	00	00	00	00	4
One Frame.	00	00	00	00	00	00	00	00	00	00	1
One leg.	00	00	00	00	00	00	00	00	00	00	4
Malleable Iron.											
Cast Iron.											

Bombay Castle, 9th September 1823.

The Hon'ble the Governor in Council is pleased to appoint Assistant Surgeon Lloyd Walker to Marine duty, and to direct that he relieve Assistant Surgeon M. Lennan on board the Hon'ble Company's Cruiser Ternate now in the Harbour.

Mr. Surgeon Powell having been relieved from the duties of Vaccinator in the Guzerat Division by his recent promotion to full Surgeon, the Hon'ble the Governor in Council has much pleasure in stating that the exertions of that Gentleman whilst employed in his Vaccinating duties have been attended with great public benefit.

*By Order of the Hon'ble
the Governor in Council,
W. NEWNHAM,
Chief Secretary,*

THE GAZETTE.

BOMBAY.

WEDNESDAY, 17TH SEPTEMBER 1823.

We yesterday had the pleasure of publishing an Extra, containing a brief outline of the latest interesting News received by the Lord Castlereagh, which anchored in the Harbour yesterday, after an unusually quick passage of three months from the date of her departure from the Isle of Wight and the H. C. Ship Princess Charlotte of Wales at Madras.

We republish the Extra for the sake of our outstation friends and reserve for our next the task of giving a more detailed account of European News.

The Brailsford, we understand, is expected to sail on the 25th instant.

BOMBAY GAZETTE.

Extraordinary.

TUESDAY, SEPTEMBER 16, 1823.

We stop our press to announce the arrival of the Lord Castlereagh, Captain Durant, which left the Isle of Wight on the 16th June and the Lizard Point on the 17th.

PASSENGERS.—Major and Mrs. Hardy, and Mrs. Kelley. The Castlereagh spoke the Patty from Cadiz, which informed her that, the French Army was within 90 miles of Cadiz.

From the London Papers up to the 14th June by the Castlereagh, we learn that detachments of the French Army have penetrated into the Western part of Spain. On the 6th of June the Head Quarters of the Army were at Madrid, about to be removed to Seville by way of Cardova.

It appears that some of the Royalist Grandezza, in conformity with the wishes of the Duke of Angouleme and the Chiefs of the French Army at Madrid, have addressed a Proclamation to the Constitutional Army calling upon them to desert and release Ferdinand from his Captivity. The Court had not removed from Seville.

The London Gazette of the 7th June contains Proclamations declaratory of the injunctions and penalties of the Foreign Enlistment Law.

The King has suffered very severely repeated attacks of Fever and Gout, and is so weak as to be obliged to be carried into his Carriage in a Chair.

On the 6th of June the Bishop of Calcutta was introduced to the King by Mr. Wynn.

We observe that a Special General Court was advertized for the 13th June at Leadenhall street for the purpose of submitting for confirmation, a resolution of the General Court, approving the resolution of the Court of Directors of the 27th May for establishing a Supreme Court of Judicature at Bombay in the room of the Recorder's Court, and for making alterations in the Pensions of the Judges of the Indian Courts on retirement, and also alterations in the allowances of the Bishop of Calcutta and in the pension of the Bishop and Archdeacons in his Diocese.

The Special Court has finally settled that the Supreme Court at Bombay do consist of a chief and two puisne Judges; the former with a Salary of £6000; per annum and the latter £5000; the retiring pension of the Chief Judge to be £1600 and the Puisne Judge £1200 a year.

The New Marriage Act which was on the point of being passed into a Law takes a middle course between the Repealed Act of Lord Redesdale, and the old Marriage Act of Lord Hardwicke.

A letter dated Marseilles 14th May says, the negotiations between Persia and the Porte are broken off, the former has given orders to prosecute the War with fresh vigour.

The Upton Castle the James Sibbald, the Cumbrian and the Phoenix have arrived in the British Channel and the Columbia at Liverpool.

The Ship Layton left England about 12th May, the Katherine Stewart Forbes 7th June, among the Passengers by this latter is Mr. Morley the Barrister and his lady.

A meeting was held on the 13th June at the London Tavern for the purpose of aiding the cause of Spanish independence. A committee was formed. J. G. Lambton Esq. M. P. President who subscribed £1,000 in furtherance of the object of the association.

We are informed that the Widow of the late J. A. Pope Esq. late Editor

of this paper was Married on the 14th June to W. H. Hamilton Esq. late of this place.

Scotts New Novel Quintin Durward is come out in the Castlereagh.

Negotiations for Peace have been set on foot by the French Ministry, but the Spaniards have refused to enter upon them until every Frenchman has quitted the soil of Spain.

We regret to observe that Ireland is in a most alarming state. The Guards are under orders for that Country, where they are anxiously looked for.

A large Russian Army has assembled on the banks of the Vistula.

The cause of the Greeks is flourishing.

On the 4th June, John Bailie Esq. was elected a Director in the room of Joseph Cotton Esq.

81 to 81½ the last Prices of Consols for the Account.

We subjoin the following Article from the latest London Observer received by the Lord Castlereagh containing a summary of the latest News from the Peninsula.

Saturday night we received by express from Paris, the Journals of Thursday and Friday last. The Regency which has been installed at Madrid, to govern during the captivity of the King, has begun to exercise its functions. One of its first acts has been the appointment of Ambassadors to all the Courts of Europe. It has also endeavoured to brand with treachery and cruelty the successful resistance made by General Zayas to the occupation of Madrid by Bessieres and his followers. The details of this affair, as now published, have, we suspect, been exaggerated and coloured, in order to throw odium on the Constitutionals and their cause. There is some military news of interest in these papers. Officially we are informed, that the troops which were in Madrid and the neighbourhood, under Abisbal and Zayas, have retired to Talavera and towards Estremadura, leaving the road to Seville open; and in a private letter it is stated, that two corps of the French army were to quit Madrid on the 1st of June under Gen. Bourdesoult and Bourmont, to proceed to that city and Badajoz. Abisbal, it is said, has given in his resignation, and remains in privacy in the neighbourhood of Madrid.

It is officially admitted that the Constitutionals were assembling an Army of Reserve in Andalusia, under the command of Villa Campa, though the admission is qualified by the round assertion that but few men were collected. Morillo, we are informed, by the same authority, was at Benevente with the fragments of divers Constitutional corps and some new levies, and the Liberals were levying "almost every where numerous requisitions of money horses, &c." These are not symptoms of a desponding spirit nor of a lost cause. They shew that the occupation of the capital by the enemy has had the effect which was to be anticipated. The bands of the Faith, with the almost solitary exception of that of Bessieres, who is a Frenchman, have gradually disappeared in Spain, in proportion as the invaders advanced. The Constitutionals, on the contrary, notwithstanding the like warmness or treachery of some of their commanders,

have remained faithful to the cause which they have espoused.

The Courier Francais contains accounts from Seville to the 20th of May, inclusive; and the intelligence is interesting, as it proves that the Spanish Government and the Cortes were far from being, as has been represented, disposed to make concessions and enter into some disgraceful compromise with the invaders of their country. The proceedings of the Cortes are in unison with the views of the Ministry; and display a truly patriotic spirit. In the sitting of the 16th it was proposed, on the report of a Committee, to decree—1. That the property of all Spaniards who follow the French army, and all factions, be declared sequestered.—2. That the property in unoccupied territory, of Spaniards or foreigners, who, living in occupied territory, favour the operations of the French Government, or of any person who usurps legitimate authority, or denounces or persecutes patriots, shall be seized and administered for the use of the state. These two articles were adopted. In the sitting of the 18th the Cortes adopted a decree enabling the Government to dispose, for its urgent wants, of 160 millions of reals, on the extraordinary war service, to be reimbursable from the 7th part of the property of the clergy. In the same sitting, a message announced the appointment of Don Manuel Garcia Herreros, Minister of the Interior; and of Don Francisco Paula Osorio, Minister of the Marine. *The Observer, June 9.*

AMATEUR THEATRE.

Although our expectations had been raised to no ordinary degree from the reports we had previously heard of the Corps Dramatique, the performance which we had the pleasure to witness at the Theatre on Wednesday, more than realised our anticipations of its success.

Barring the disadvantages incidental to Amateur performances, and which particularly affect an Indian Amateur performance; we are free to confess that we have rarely been better pleased with the exhibitions of old Drury or Covent Garden. With the usual cry of hats off—down in front—and a little of the thunder and missiles of orange peel &c. from the Gods—it would require a very little effort of abstraction in any, who were at the Bombay Theatre on Wednesday evening, to fancy himself seated in the little Theatre in the Haymarket. Indeed we readily allow that in many points our Theatre is much to be preferred. Its stage and Proscenium are we think in better taste than those of the Haymarket, and, (by the way, it is quite refreshing to look at the Corinthian Pilasters which grace the extremities of the Proscenium,) we hope to see the Drama, the legitimate Drama we mean, taking its proper place on the Boards of our Theatre.

The following letter which appeared in the last Courier will give our readers some idea of the talents of each of the Gentlemen who kindly volunteered their services on the occasion.

MR. EDITOR,

After the histrionic display of Wednesday Evening last, when the great, the gay, and the beautiful had all assembled in social harmony,

to enjoy the moral lesson and the sparks of wit so happily displayed in the theatrical exertions of your Bombay Amateurs: where genuine worth reigned, and

"All went merry as a Marriage ball"

I cannot resist the impulse of my own feelings, and though I am far from *meaning* to arrogate to myself the erudite qualities of a Critic or Judge, yet after the performance of the School of Reform, and the after-piece of Killing no Murder I would add my mite of applause to that which I am very certain was universal on Wednesday evening last.

I would therefore offer, Mr. Editor, a few observations on the distinguished merits of those legitimate sons of Thalia, whose peculiar tact of liberal exertions must have been highly appreciated on the evening of the performance.

First however, I would congratulate the Society of this Presidency, on their happy acquisition of the Bombay Amateurs—and I would offer to the Taste and Judgement of the liberal Managers, my humble encomium for their exertions, in providing the Public with the means of enjoying so rational and social an amusement as the stage will always afford, when well and judiciously conducted.

The various species of talent displayed by the Bombay Amateurs on Wednesday Evening, Mr. Editor, would if weighed in the scale of strict justice place the Bombay Theatre above every other in India.

Nor will this assertion be deemed either hyperbolically encomiastic, or at all partial by the sons of her rival sister at Calcutta, when, in the warmth of supposed superiority, they are reminded of two facts which must compel them to own that at least partiality has no hand in offering this plaudit to the Amateurs of the Bombay stage. The first is, that these remarks are made by a Stranger, a Traveller, a passing Observer, an admirer of genius and wit, and although he be no critic, and far less a Judge of these qualities of the mind, yet he does at least lay claim to the knowledge of his own feelings, and if they do not egregiously belie him, he writes what he thinks.

The second fact Mr. Editor is, that the Amateurs of the Bombay Theatre are seldom long at the Presidency; many of them have contributed their talents, on the spur of the moment and with very inadequate preparation: consequently Mr. Editor, they cannot be said to have acted in unison with each other—with the advantage of knowing each others' peculiar tact—with that buskin reciprocity of feeling which is, and always was the soul of acting.

Now these advantages were always, in a great degree, possessed by the sons of Thalia in Calcutta. But I mean to draw no comparison which would not suit the object of these remarks, and with your permission, Mr. Editor, I shall proceed with my remaining observations devoid of any critical semblance.

methinks we see the curtain rise, after the sweet swell of European melody, breathing taste, sentiment, and valorous deeds. The first scene commences with a well performed dialogue between Mrs. Nicely and Frederick. Both these characters deserved great applause for their endeavours to please, but the comical humour of Mrs. Nicely particularly deserved

attention. Her character was one in which many quaint sayings could be expressed, and would have their effect if well done. She succeeded I think Mr. Editor, and gave general satisfaction. General Tarragan's part was supported in a true vein of humour, ease, and talent. Self possession and a truly graceful ease of expression seemed to be the characteristics of this Gentleman. Without remaining to make the most distant comparison of the other prominent characters, I would offer to Lord Avondale, Ferment and Tyke the same opinion of their several distinguished exertion of talent. In a word, the performance of these gentlemen put me immediately in mind of the last and best Comick actors I ever saw. These were at Paris. Tyke's touching scene with his old Father was beyond all comment, and instantly reminded me of Thalia's unrivalled gesture and pathos of silent expression. Had Tyke only acted this scene it would have been impossible not to have admired him, but the comick parts of his character were equally good. Ferment, Mr. Editor, was the pink of fashion, wit and humour; but I will risk an opinion that Ferment will make a better Hamlet or Jaffier than a Ferment. In this I do not mean to detract from his comick powers, only I love Melpomene better than Thalia, and think Tragedy better and more difficult than Comedy. In the same way I think Avondale would make a better Richard than a Lord Avondale.

Time will not permit me to expatiate on every other character's peculiar excellence, yet I cannot close these loose remarks without a sincere tribute of applause to the voluble wit and juvenile activity of Timothy. The female characters gave general satisfaction and could not fail to please the numerous audience which had assembled to be gratified and amused by the liberal exertions of the Bombay Amateurs.

I remain,

MR. EDITOR,

Your most obedient serv't,
CHILDE HAROLD,

GIRGON,

11th Sept. 1823.

Sup. to the Bom. Cour. Sept. 13.

Bombay.

ARRIVALS.—Capt. Jas. Keith, Assist. Adj. Gen. Capt. H. A. Hervey, 2d | 7th Regiment N. I. Cornet Urquhart 2d Cavalry.
Lieut. and Qr. Mr. J. A. Crosby, 2d | 5th Regt. Lieut. Forquharson, Bombay Artillery.
Assistant Surgeon McLennan.
Major Hardy Artillery.
Assistant Surgeon Cowin Bengal Establishment.
DEPARTURES.—Capt. W. Spiller P. Auxiliary Horse.
Lieut. and Qr. Mr. Jas. A. Crosby 2d Battalion 9th Regt.
Capt. H. A. Hervey, 2d | 7th Regt. N. I.
Major Lodwick 11th Regt.
Ensign Whitmore 2d | 3d Regt.

NAUTICAL NOTICES, CHRONICLE

and NAVAL REPORT.

Bombay.

ARRIVALS.—September 10th, A med Ketch Vigilant, Syring Doss Mahomed, from Surat.
14th, The H. C. Cruiser Mercury, Lieut. F. W. Grant from Bussorah, 23rd August.
16th Ship Lord Castlereagh, J. R. Durant from London; Isle of Wight 16th June and Sizard the 17th June.
Turkish Brig Fullock, Nacquadah Mamea, from Judda.

PASSENGERS.

Per Mercury.—Lt. J. Sawyer.
Per Lord Castlereagh.—Mrs. Hardy, Major Hardy, DEPARTURES—Sept. 10 Ship Bombay, Samuel Parker, to Calcutta.
12 Grab Brig Bombay Merchant, Nacquadah Suliman Cassin, to Calcutta.
13 Arah Ship Melekel Bheer, Nacquadah Mahomed Rajah, to Calcutta.
14 Brig Caudebux, Nacquadah Jaffer, to Down the Coast.

PASSENGERS.

Per Ship Bombay.—Mr. Thos. Johnston.

SHIPS LOADING.

English.—Royal Charlotte, for London.
• Brailford, for ditto.
• Kusovic, for Bussorah.
Hamoody, for Pinang.
Grab Lail Kurson, for Bussorah.

Calcutta

ARRIVALS AT KEDGEREE.

August 23, Ship Sophia, Captain D. Sutton, from London, Falmouth 19th April, and Madras 10th August.

DEPARTURES OF PASSENGERS.

Per Dunwegan Castle, for Mauritius: Mrs. Campbell, Dr. Mitchellson, H. C. service, and Captain Dalap, H. C. B 24th N. I.

Per H. C. Transport Hercules, with detachment of the H. C. 20th Regt, N. I. for Natal: Captain S. C. Crooke, Lieutenant Symes, Ensign Long and Ensign Souter.

Per H. C. Transport Bussorah Merchant, with detachment of the H. C. 20th Regt, N. I. for Natal: Capt. H. Davidson, Lieut. J. S. Hele, (Arty.) Lieut. Corbett, Ensign Gimore and Asst. Surg. Thompson.

EXPECTED TO SAIL.

Ship Alfred, Capt. W. Dolge for London via Penang, Singapore and Batavia, in 4 or 5 days.

Ship Bussorah Merchant, Rowson, and Hercules, J. Heron, for Natal in 3 or 4 days.

PROGRESS OF VESSELES.

At the following Stations, on the 23d Instant.

DIAMOND HARBOUR.

Remain—Juliana, outward bound.
Remain—William Miles and John Munro, inward bound.
Passed up—Sophia.

KEDGEREE.

Ogle Castle, anchored above Kedgerree, returned leaky.

NEW ANCHORAGE.

H. C. Ship Windsor.

SAUGOR.

H. M. Ship Jupiter, 1st the Pilot 20th Inst.
Remain—H. C. ship Hythe, below Saugor outward bound.

Madras.

ARRIVALS.

August 27th, H. M. Sloop Sophie, Captain G. T. Ryves from Trincomalie.—28th Bark Dolphin, Capt. George East, from Padang Ist, Pondicherry 24th, and Covelong 27th August.—Do. Brig Norfolk, Captain M. Kingell, from Padang 26th July.—30th, Ship Georgiana, Captain J. Rogers, from Calcutta 10th April, Mauritius 30th July, and Ceylon 24th August.

DEPARTURES.

August 26th, Ship Britannia, Capt. W. Luke, for Penang and Singapore.—27th Ship Madras, Captain Wm. Clark, for Calcutta.—28th, Brig Horatio, Captain J. Black, for Trincomalie.—Do. French Brig L'Toile, Captain Legour, for Pondicherry and Isle of France.—Bark Dolphin, Capt. G. East, for Calcutta.

General Register of Marriages, Births, and Deaths.

Bombay.

BIRTH.

At Poona, on the 14th Instant, the Lady of Lieut. Dickson, of H. M. 67th Regiment, of a Son.
In the Fort, on Monday the 15th Instant, the Lady of R. Woodhouse, Esq. of a Son, still-born.

DEATHS.

At Brouch, on the morning of the 7th September, 1823, Oliver Hanson, Esq. of the Civil Service. The fulsome compliment of an obituary would be but mockery to his memory. His numerous friends bear the best and most lasting memorial of his worth deeply graven on the tablet of the heart; for never did mild unassuming manners, combined upon all occasions with the most gentlemanly, upright, honorable deportment, render the beautiful idea of the Poet more applicable.

"Deep for the dead, the grief must be,
"That ne'er gave cause to mourn before."
On Tuesday the 9th Instant, Amelia, the infant Daughter of Charles Keys Esq.
Born in the morning and Died in the Evening of the 14th Instant, Richard, the Son of Mr. Barnes, of the Pilot Service.

Calcutta.

BIRTHS.

In Fort William, on the 18th August, the lady of Captain W. R. C. Costly, Barrack Master, of a daughter.
On the 23d August, the lady of John Smith, Esq. of a son.

DEATH.

On Tuesday, the 19th August, Maha Rajah Rajah Bahadur, son of the late Rajah Nohu Kisson.

Madras.

BIRTHS.

On the 25th of August, at Tanjore, the Wife of the Reverend G. SPERCHNEIDER, of a Son.
At Punganore, on the 20th August, in the Palace of E. S. Royal, E. B. Rajah of Punganore, the Lady of His Highness the SAVANA BUSHALINGA ROJAH, Rajah of Soonda, was safely delivered of her 7th Daughter, and 10th Child.

DEATHS.

At Masulipatam, on the 20th August, JOHN DUNCAN, the infant Son of Captain J. OELVIE, 1st Battalion 17th Regiment, aged one year and four months.
At Vepery, on the evening of the 25th August, Mr. Conductor HUTCHINSON, aged 55 years.
At Gooty, on the 8th August, Mrs. MACVICCANS, in the 26th year of her age, much regretted.

Madras.

SEPTEMBER 1, 1823.

Rates of Exchange and Price of Company's Paper

On England.—at 30 days sight is. 8½d. per Madras Rupee.
at 90 day's sight is. 6d. per do.
at 6 months' sight is. 9½d. per do.
On Bengal.—at 30 days' sight 95 to 97 Sicca Rupees per 100 Madras Rupees.
Company's Paper—Remittable 32½ per cent pm.
Unremittable nominal 10, to 12½.

The General Palmer, Captain F. Truscott, sailed for England this morning.

PASSENGERS.—Col. Stewart, Major Beckett, Captain Balmain and family; Captain Bluet and family; Captain Gummer, Capt. Dacre, R. N. Lieut. Matson, R. N.; Lieut. Dyer, Lieut. Dowker, Lieut. Puget, Lieut. Thursby, Mr. Simons, and Mr. Pike.

We are concerned to find that a disorder resembling the Cholera has made its appearance on board His Majesty's Ships *Liffey* and *Alligator*, and that some of the cases have terminated fatally.—The Ships were ordered out to Sea immediately—a measure which we trust will have the desired effect.

Sup. to the Govt. Gaz. Sep. 2.

The reader must be content to wait a little longer before he can learn whether the Political horizon, which late accounts represented as dark and gloomy, continues thickening; or whether the storm has been dissipated and averted by unexpected concessions, we have no hope of the latter being the result of the late hostile demonstrations; but on the contrary fully expect to hear that the tempest has poured forth its wrath on other countries besides unoffending Spain. But this will entirely depend on the degree of resistance which the Spanish Nation opposes to the French invasion—if the Patriots hold out manfully for even a short period, there can be little doubt that the internal troubles of France will increase, and thus the flagitious magicians who have raised the storm, will be the first to perish in it—a result most richly deserved, and most righteously to be prayed for. If, however the French Armies should triumph and find an easy conquest of Spain, which Heaven forbid, the rod of correction we may be assured will not stop there—all other countries in which constitutional principles have long flourished, and free institutions been established, will be required to new-model their governments, and frame their laws to the standard of despotism established by the Members of the Holy Alliance. The cause of Spain therefore is the cause of Europe; is the cause of the whole civilized world; and every free nation ought to stand forward to support her in her holy contest for all that is dear to a gallant and high-minded People. The principle of foreign interference, as now professed, is so dangerous and alarming that the utmost extremities ought to be resorted to to put it down. Where it will end, if successful in the first instance, Heaven only knows; but in all probability when “every germ of liberty shall have been nipped on the Continent, England will be the next object aimed at; and should we sink, then the Genius of Tyranny will endeavour to extend its empire over America, and to smother the rising hopes of the New World.”

How our Ministers will justify their seemingly timid and inconsistent Policy at this awful crisis, we are at loss to comprehend; but time will soon shew.

[*Mad. Cour. Sept. 2.*]

English News.

Of Irish news, we have not any by the last arrivals. If strangers are to take their impression of the state of certain portions of Ireland from those authorities which ought to be, and probably are, at once the most dispassionate and the best informed, it must be a melancholy impression. Baron M'CLELLAND, on a recent trial at Monaghan, declared that the county (of Monaghan) “was rapidly going back to a dark and benighted state—to an age of barbarian ignorance.” We are not without our own fears that the opinion of the learned Baron is well founded. It has been reported to us by accurate observers of the face of Ireland, and of the progressive changes amongst her people, that in many tracts of Ulster, more especially towards the south of that province, the preponderancy of that class of the inhabitants who claim to be of Scotch descent, and who follow the Presbyterian mode of wor-

ship, has become less decided and conspicuous every year. The character of the southern peasant population spreads over the country more and more, while the ranks of the Protestants are thinned, their power gradually undermining, and their peculiar habits merging in those of the mass which grows and thickens around them. Such are the facts asserted: and now for the cause assigned. It is said that the redundancy of the southern population has been annually more apparent—that as land, and with it food, throughout Munster Leinster have become less accessible, new swarms of emigrants have been thrown off from the over-peopled districts—and that the progress of migration has been towards the north, because to large bodies of the native Irish a land journey would appear a change less expensive and less formidable than a voyage to America, or even to Britain. In the north, besides, land has been more reasonably rented than in the south of Ireland, a because the best proportion of the northern tenantry have, until late years, been Presbyterians, who would not forego the comforts of life, and would therefore exact for themselves a share of the produce of their own labour. But such men could not, or rather would not, stand a rivalry with the half-starved strangers of the south. They would not bid for an acre of potato-land against hungry savages who were content with just so much of the crop as would keep them from expiring, and who laid no stress on the enjoyment of comforts of which they had no knowledge. By these hordes the Presbyterian has been driven from his native soil. He has packed up his goods, carried off his savings, his industry, and his skill as a linen-weaver, and has, in his turn, become an emigrant; but he migrates across the Atlantic. This, unfortunately, has been the course of events with many thousands of the old inhabitants of Ulster. The most valuable part of the people—those who know their own value—fly the scene of a ruinous and disgraceful competition; they leave their unthrifty landlords the full advantage of new species of tenantry. The comfortable home, the decent habits, and the manly spirit of the Protestant linen-manufacturer give place to the filth, ferocity, and lawlessness of the genuine Munster savage. This we believe to be a faithful picture: it fills up the outline which the learned Judge has sketched. At the bottom of the mischief is that original sin, the false relation between the Irish landlord and his tenant. No specific law can cure that disordered relation—no political science can at once encounter it. The vice is seated in the breast of individuals, and indicates and aggravates the terrible perversion of manners. Nothing short of a despotism, such as never yet ground down society, could *directly* subdue this domestic plague. One bad law, indeed, helped obliquely to foster it: the law which established an elective franchise in favour of 40s. Catholic freeholders has ever since held out to ambitious and intriguing landlords, a bounty on the multiplication of pauper families throughout Ireland. Yet now, if any Statesman were bold enough to propose the repeal of that improvident statute, he would most likely lose his head, or plunge the island in a new rebellion for the name, and against the substantial interests, of liberty. This encroachment of the worst upon the most useful class of inhabitants, we apprehend to be an unquestionable truth; and we are sure that it deserves the most anxious and unceasing consideration.

The Times,

IMPERIAL PARLIAMENT.

HOUSE OF LORDS, TUESDAY, APRIL 15.

A person from the office of the Chief Secretary for Ireland presented returns under the insurrection act. A person from the Treasury presented returns relative to the national debt, and the 4th report of the Commissioners of Inquiry.

FOREIGN AFFAIRS.

Earl GREY said that he had spent all the time since last night, when the papers were laid on the table by the noble earl (Liverpool) in the careful perusal and consideration of them, and he was sorry to say that the result had in no degree weakened the first impression on his mind; but, on the contrary, had confirmed him in the opinion, that both in the negotiations at Verona and those which had since taken place, the honour and interests of this country had been sacrificed in a manner of which there was no precedent. He trusted, that in the course of the next week some one better qualified than himself to do justice to the importance of the subject, would make a distinct motion up on in the mean time. Some explanation would be necessary from his Majesty's Ministers on the omissions which were apparent on the face of the papers laid on the table: and if they were present on Thursday next, he should put some questions to them on that point; and it might probably then suit the convenience of the house if the Tuesday following were named as the day on which the general discussion should take place.

Adjourned till to-morrow (this day).

HOUSE OF COMMONS, TUESDAY, APRIL 15.

ROMAN CATHOLIC CLAIMS.

Petitions against any further concessions to the Roman Catholics were presented by Mr. GOUGH, from the archdeaconry of Sudbury; by Lord G. SOMERSET, from the deanery of Stowe, diocese of Gloucester; by Mr. MONTEITH, from the ministers and elders of Glasgow; by Admiral SOTHERON, from the town of Mansfield; and by Mr. GROSSETT, from two parishes, the names of which we did not hear.—They were all read and ordered to be printed.

THE LATE TRIALS IN DUBLIN.

Mr. J. GRATTAN presented a petition from the nobility and gentry of the county of Wicklow, complaining of the late proceedings by the Attorney-General in the Court of King's Bench, Dublin, as being contrary to the spirit of our Constitution.—Read, and ordered to be printed: as was also a similar petition presented from W. Brownlow, jun., by Mr. H. GURNEY.

Lord NEWRY presented a petition from the Chamber of Commerce at Newry, praying the house to investigate the duties on East and West India sugars.—Laid on the table.

The Irish joint tenantry bill was committed, the report received, and ordered to be taken into further consideration on Friday week.

The division of counties bill went through a committee, and the report was ordered to be received to-morrow.

Mr. RUMBOLD presented a petition from the shipowners of Great Yarmouth against the ship apprentices bill.—Read and laid on the table.

On the motion of Mr. H. G. BENNET, a return was ordered of the receipt and expenditure of the county rates, for the last three

years, distinguishing each; also distinguishing the number of persons charged with felony in each county, in the same time; the number tried and acquitted: the number convicted, and the cost of prosecution to the county.

Mr. HEATHCOTE presented a petition from Boston against the general turnpike act.—Ordered to lie on the table.

Sir M. CHOLMELEY presented a petition from the burgesses and corporation of Grantham against any further concession to the Roman Catholics. In presenting it, the hon. baronet asked—was it to be wondered that our Universities should take alarm?—men who comprised the most learned of our Protestant divines—men who in former times, had suffered in the excommunication of their colleges and religious houses, sooner than submit their consciences to that power which, if now revived, would shut up the Bible, erase the liturgy, and disannul, by one piece of Italian parchment, all the orthodox labours, all the splendid libraries collected, in three centuries, under the patronage of our Protestant kings and queens, in Universities of England, Scotland, and Ireland.

The petition was ordered to be printed.

Dr. LUSHINGTON brought in a bill to amend and consolidate the laws regarding the slave trade.—Read a first, and ordered to be read a second time this day se'nnight.

Mr. WETHERELL laid on the table a petition from the mayor and corporation of the city of Oxford, against the Roman Catholic claims.

APPEALS IN THE HOUSE OF LORDS.

Mr. KENNEDY said, that as he saw the Right Hon. Secretary for the Home Department in his place, he would take the liberty of putting a question to him upon a subject which was of vital importance to that part of the country with which he was connected. It was said to be in the contemplation of Government to make some new arrangement for the greater despatch of appeal business in the House of Lords. He wished to know whether this rumour had any, and if any, what foundation in truth?

Mr. PEEL informed the hon. member that his Majesty's Government had this subject at present under discussion. He expected to be able to acquaint the hon. member of the result at a very early period.

Mr. KENNEDY trusted that the scheme, whatever it was, would be submitted to the approbation of that house, before any attempt was made to carry it into effect.

LATE EX-OFFICIO INFORMATION IN IRELAND.

Mr. BROWNLOW then rose to bring forward the motion, of which he had given notice, respecting certain law proceedings, if indeed they deserved that name, which had lately been instituted in Ireland, against certain individuals for transactions which had taken place in the Theatre of Dublin on the 14th of last December, and in which the prudence, temper, and discretion of his Majesty's Attorney-General for Ireland, appeared to him to be seriously involved. As his motion alleged that a violent act of arbitrary power had been committed by a great legal functionary, he felt that he owed no apology to the house for bringing it forward. He trusted that the course he had taken was consistent not only with Parliamentary usage but also with Parliamentary duty; for he called upon the house to look with a scrutinizing eye upon the administration

of justice in the inferior courts of law, not in a case where the suit was between one private individual and another, but in a case where the King, armed with all his powers of reward and punishment, was on the one side, and humble and imprisoned subjects were on the other (hear). For he was well aware, that, if such proceedings as those of which he complained had taken place in England, where men knew their rights, and knowing, dared maintain them, not one day—nay, perhaps not one hour would have been allowed to elapse after the meeting of Parliament, without their having been submitted to discussion and debate; and the address which was voted with such unanimity to the Crown at the commencement of the session, might have been amended with some expressions of regret that the ordinary course of justice had been departed from—that the opinions of grand juries had been set at naught—that they had been first taken, then rejected, and afterwards vilified; and that by such means the subjects of the realm had been perplexed and harassed with vexatious prosecutions. Such would have been the case, in all probability, had similar proceedings taken place in England; but in Ireland it was far different. The task of calling public attention to them had devolved from one member to another, till, at last, it had lapsed to him; and the reason why he had not brought his motion forward at an earlier period was this:—that when it first lapsed to him, the Irish members were leaving this country to attend their duties at the assizes in Ireland, and that the present day, all circumstances being considered, appeared to be the earliest on which the subject could undergo a full and fair discussion. The question, he again repeated, that he was now going to submit to its consideration, was not a question of petty or local interest, but was simply this:—would the House of Commons allow the Attorney-General for Ireland to place himself in the situation of a grand jury, and to question individuals upon matters of criminal charge against them, after a grand jury had declared that the matter against them was neither probable nor true? (hear, hear, hear). Nor did this question relate to Ireland merely. They might depend upon it, that if the Attorney-General for Ireland were that night sheltered from censure, it would not be long before the Attorney-General for England, would come down to the house, armed with his example, and eager to use it as a precedent, and would turn against the state the sword which they would put into his hands that evening, if they declared the conduct of the Attorney-General for Ireland undeserving of blame. He had found a sentence in Tacitus which he conceived might be fairly applied to such a contingency. That great historian had declared that the Roman General Agricola had often told him that he conceived the subjugation of Britain could not be completed without first effecting the subjugation of Ireland—and that the prior subjugation of that island would be advantageous to the Romans on this account, that by it "*velut e conspectu libertas tolleretur*." He would ask the house whether, if such proceedings as those which had lately been witnessed in Ireland were thought defensible, they could say that it might not be the intention of a future Government, nay even of the present Government, to commence the enslaving of

England by accustoming its inhabitants to the sight of arbitrary acts in Ireland, and to bring home to the bosom of the empire the vindictive prosecutions which it had recently instituted in its distant extremities? (Hear, hear). He would ask any of the hon. gentlemen whom he saw around him, how they would like to be attacked without the intervention of a grand jury, (hear, hear;) and would then bid them reflect how much more vexatious such an attack would be to persons in an inferior rank of life than it would be to them? True it was that they might afterwards be saved by the verdict of a petty jury; but that would only prove a slight consolation to the men who had been harassed in spirit, and broken down in purse, by the accumulation of expense to which such vindictive prosecutions necessarily subjected them. (Hear, hear). He now came to the facts of the case. He believed that every gentleman whom he then addressed had heard of the dressing of the statue of William the Third, on the 4th of Nov. It was a custom of long continuance, and in looking over some old papers he had found a proclamation issued a hundred years ago, offering a considerable reward for the discovery of a villain who had stolen the truncheon from the hand of the monarch, after he had been dressed. Almost the very first act of the Marquis Wellesley's administration was to forbid the dressing of this statue with the millinery, which, in the phrase of the Attorney-General, had for so many years been wasted on it. He was free to confess, that he conceived the dressing of this statue to be a very mischievous act on the part of those who did it, (hear, hear), and he wished the house to understand that he did not intend to vindicate their conduct. (Hear, hear). He had nothing in common with either them or theirs; and he declared before God that he would equally have laid bare this arbitrary transaction, had the traversers, as they were called, been Roman Catholics, and the Attorney-General the Grand Master of the Orange Lodge of Ireland. (Cheers). He repeated, that he had nothing whatever to do with any of the political or religious feelings which at present divided and distracted Ireland; indeed he considered them in this instance to be a vulgar intrusion upon a question which had no sort of connexion with them. It was proceedings to which the Attorney-General had conceived it necessary to resort, that had revolted him, and outraged the feelings of every lover of the constitution. (Cheers.) He need scarcely inform the house, that after the proclamation of the Lord Lieutenant forbidding the dressing of the statue, there was a strong feeling excited among the lower orders of Ireland, of much pride on the one side, and of great disappointment and passion on the other. (Hear, hear.) Whilst public feeling was in this state of excitation, the Lord Lieutenant went to the theatre; and when he was there, the event occurred, out of which these proceedings originated. He regretted those events as much as any man in the empire; he regretted them because Lord Wellesley, from his anxiety to govern Ireland for its good, from his venerable name, and exalted talents, had a right to expect a very different reception from his countrymen. (Hear, hear.) He did not speak a limited sentiment upon this point; it was the language of Ireland generally: the utmost indigna-

tion at the outrage had been felt in all parts of the island, and it had been also felt that there existed the strongest necessity to vindicate the national character, and to attribute blame where, after due inquiry, it was found it ought to rest. He would venture to say, that had the offenders been met only with common temper, common patience, and common measures, had they been committed on a probable or even on a possible charge, one spark of sympathy would not have been raised in their favor from one end of Ireland to the other. But the King's Attorney-General seemed to have been impelled by some evil genius to talk of assassination; and from that moment the most effective weapon of ridicule was employed against him: for every body saw in an instant that the charge was utterly impossible, not only from the respective situation of the parties, but from the nature of the missile employed. (Hear.) This showed the intemperate lengths to which dependents of the Crown, officers removable at pleasure, might be urged, perhaps from honest motives and under the impulse of irritated feelings. It was very material in this stage to inquire how was assassination intended, and how was it attempted to be carried into effect? He should not perhaps have so much referred to these points, had they not led to the incarceration of men who were mingled with common felons until the arrival of the assizes. Was a Wellesley, he would ask, of all men in the country, to be frightened out of his wits by being told by an Attorney-General that his life had been attacked in the Theatre? (Hear, hear.) He entreated the attention of the house to the circumstances attending this memorable transaction. The Lord Lieutenant of Ireland took his seat in a recess of the theatre on the left side; the assassins, or those who had been called so, occupied a bench in the upper gallery on the same side of the house, where they could not even see the Lord Lieutenant: they took the very worst place they could select for their bloody purpose, where it was impossible for the most dexterous hand to reach him with any missile yet invented by human ingenuity—unless, indeed, with one of those guns, he believed known only in Ireland, which possessed the peculiar talent of shooting round corners and of striking an object never dreamt of by the party who levelled the deadly instrument. (Hear, hear, and laughter.) With such a weapon alone would it have been possible for these men on this occasion to have dealt death and destruction to the King's Lord Lieutenant of Ireland! According to the Attorney-General they meant to commit assassination; but did ever men take such measures to accomplish such an object? They went to a place where they could not see the object of their hatred, and they were armed with a bottle and a rattle. (Hear and laughter.) As to the evidence to support the charge of assassination—all was conjecture—all information was withheld, it was to be presumed that it was conclusive, irresistible, and nothing else could justify the incarceration of the accused; no bail could be allowed, the four walls of a prison were their sureties, and in prison they were left to spend their Christmas holidays. He was sorry to say that there had been no hesitation, no pause, no suspension of opinion. The event took place on Saturday the 14th of December, and on the fol-

lowing Saturday Marquis Wellesley returned his thanks to Mr. Millikin for having succeeded in securing "the miscreants who had attempted the life of the Lord Lieutenant at the theatre." The Lord Lieutenant then assured Mr. Millikin, that no dangers of personal violence to which he might be exposed, no attacks even upon his life, should disturb the even tenor of his government. He (Mr. Brownlow) of course expected to hear to-day of packed juries and party prejudices, but he would assert that the whole of Ireland had been packed and prejudiced by extravagant addresses and ill-timed answers. The unfortunate accused had been prejudged by the last man who ought to have opened his lips against them—the party concerned (hear), and they seemed to have nothing to do but to submit and to surrender up their lives at the bidding of the Attorney-General. At length the sessions of Oyer and Terminer arrived, and then, for the first time, the Attorney-General intimated his intention of not proceeding capitally against the culprits, though he took care subsequently to state that he possessed abundant evidence to support the capital charge, but he relinquished it "because the laws were never so powerful as when administered in mercy." If, indeed, the Attorney-General had evidence sufficient to support the capital charge, no state reasons, no considerations of policy could justify him in withholding it, and thus harbouring in Ireland a nest of assassins, who, though they had failed in this attempt, might succeed on another and a more favourable occasion. (Hear, hear.) To talk of mercy in this transaction, was begging the whole question, and taking it for granted that the original committal could be justified. There was no mercy in committing men for a capital felony without evidence. (Hear.) It was said of mercy, that

"it is twice blessed,

"It bleaseth him that gives, and him that takes."

But the mercy of the Attorney-General did neither: it left the accused parties all the days of their lives under the odious charge of having attempted to murder the Lord Lieutenant; and it left the Attorney-General under the suspicion that he had examined into the facts, not with the intention to do justice, but intemperately to commit men upon testimony which he was afterwards afraid to produce in a Court of justice. (Hear, hear.) The poet he had just quoted had observed, that "the quality of mercy is not strained," but the quality of the Attorney-General's mercy must be strained indeed to afford any sort of resemblance. (Hear.) The whole information regarding these committals ought to be brought before the house: no man could now say who was right and who was wrong, and whether the depositions bore out the accusations. But this case has been taken out of the ordinary jurisdiction—it had been made a state offence—it was not investigated at the police-office, but in the Castle-yard; and the committals were made out, it was believed, not merely with the knowledge, but at the direct dictation of the Attorney-General. If he were so fond of *ex officio* informations, and thought that law and justice could only be properly vindicated by such a power, the proper objects of them were the witnesses who by their falsehood and villainy had imposed upon the Lord Lieutenant and the Attorney-General,

by pretending that an attempt had been made upon life. "When witnesses for the King endeavour to pervert justice and to destroy the King's subjects, their malice and perjury being proved, the King's Attorney-General ought *ex officio* to prosecute them in the King's name, &c. and the legal form of the indictment ought to be, for swearing falsely and maliciously against the peace of the King, his Crown, and dignity." Such was the language of no less a man than Lord Somers, in a work which he entitled "*The Security of Englishmen's Lives, or (what he conceived in synonymous terms) 'The Trust Power and Duty of Grand Juries of England.'*" Two bills had been set up by the Attorney-General to the Grand Jury: the one for assassination was ignored, but that alleging a riot was found against the persons accused. If fault attached any where on this proceeding, it belonged to the Attorney-General, who injudiciously inserted in the indictment the words—*cum multis aliis*. He had no right whatever to complain: he had informed the house and the public that, if the bills had been found against all the rioters without any finding of a conspiracy, he would not have proceeded. It was the conspiracy that he wanted, and the object was to discredit "the gang leagued together against the King's Lieutenant, in order to force him to change the measures of his Government." As to the merits of this gang, as it was called, he (Mr. Brownlow) would offer no opinion; but he would take the liberty of observing thus much:—suppose the Attorney-General were removed from his present situation by preferment—suppose him succeeded (as he was preceded) by an Attorney-General of different political views; or suppose him to change his political bias—for such things had been, and mind as well as body was subject to the influence of circumstances. ("Hear," and laughter, from the Opposition benches)—what then would become of this "gang?" Why, it would be a "gang" no longer, but those only opposed to the fashionable Government opinions would be considered as meriting the distinctive term. With his present political notions, the Attorney-General could see nothing but conspirators and gangs all round him in this house. The assertors of national independence must be a gang—the supporters of outraged and oppressed Spain must be a gang—the friends of economy and retrenchment must be a gang—and never was such a gang of conspirators heard of as parliamentary reformers must appear to him. (Hear, hear.) They were especially a gang, because their avowed object was to compel the Government to abandon measures they deemed injurious to the country. The Attorney-General was surprised when he found that a grand jury had ventured to ignore his bill; he expressed his hope that they had done their duty," and added, "that it was a matter between God and their consciences." He had also his duty to discharge; and since the law had placed him in the stead of a grand jury—since he was unsworn and perfectly disinterested, and though only one, equal at least to 23 sworn and interested individuals, he would place the men on their trial despite the grand jury, because he thought he had never heard clearer evidence of conspiracy and riot. He considered the grand jury very touchy and sensitive men, because they had taken umbrage at his pro-

ceedings. What did he mean by reminding the grand jury that it was "a matter between God and their consciences," if it were not to impress the public mind with the idea that they had forgotten the solemn obligation of an oath? More injurious or more arbitrary proceedings had never been adopted towards a grand jury since the revolution. In the whole course of reading to which he had been referred he had not been able to discover any precedent, save one memorable likeness which he would state to the house. He did not mean to institute comparisons; they were always odious, and particularly in the present instance; because it would only be to compare a highly-gifted and he would fain say liberal man, of our own day, with the notorious Sir George Jeffries, in the reign of Charles II. He found that in 1680, a bill was sent up to the grand jury against Francis Smith, for having composed "a malicious, scandalous, and seditious libel." The grand jury returned *ignoramus*, and threw it out. Judge Jeffries took the course recommended by Blackstone: he sent the bill to another jury, and they returned again *ignoramus*. He sent up the bill a third time, and a third time the jury was contumacious; upon which Jeffries vilified and reproached the grand jury very shamefully in open Court, saying "God bless me from such jurymen—I will see the face of every one of them, and they shall repeat separately what they think of the bill." The bar was cleared so that the Judge might see the grand jury distinctly, and the clerk put it to each of them whether Francis Smith was or was not guilty; and each of them answered *ignoramus*. Jeffries then reminded them "that they were upon their oaths," and, in much the same words as those used by the present Attorney-General, informed them that it was a matter between God and their consciences; adding, that he feared it was impossible for God, in heaven, to pardon their perjuries. (Hear, hear.) What was the result? Did Jeffries file an *ex-officio* information against Smith? No: he ordered him to be set at liberty; so that the Attorney-General, in this case, had even gone beyond the patron of oppression and cruelty, who would not have hesitated a moment to file an *ex-officio* information, if there had been the slightest colour for it. This precedent showed how strangely extremes sometimes met, and what singular coincidences, even of expression, there were in persons whose habits and feelings, it was to be hoped, were diametrically opposite. If Attorneys-General were authorized to file *ex-officio* informations, whenever a grand jury threw out a bill which the law officers of the Crown approved, it came to this, that grand juries were very respectable bodies, and of great antiquity, as long as they conformed exactly to the will of the Attorney-General; but the moment they at all effectually interposed their judgment between the prerogative of the Crown and the privileges of the people—that is to say, the moment they discharged their duty for which they were originally established, they were to be declared factious, political, and prejudiced—to be denounced as so many wild men, or rather, so many wild beasts, with whom they could be neither in concert or co-operation. Far better would it have been that these men should have escaped by the verdict of a grand jury notoriously corrupt, than that any preference should be shown to that tribunal,

which, to use Blackstone's words, was a two-fold barrier between the prerogatives of the King and privileges of his people. The hon. member read at length Blackstone's well-known words upon the subject, observing that the object of the learned judge was to show that if this two-fold barrier were overleaped, as in this case, the liberties of Englishmen would be brought into jeopardy, and a precedent might be established in time for the utter disuse of grand juries. If any man ever felt proud at serving on the grand inquest of his country, let him henceforth abandon it: if this course were pursued, his occupation was gone: he might, in Ireland (or such was the fact there), be entrusted with the superintendence of breaking stones, and spreading gravel—he might even judge in matters of private property; but his duty as regarded the criminal law of the land, was at an end; and it would be better at once to abolish an institution which would remain but a mockery and an insult to the people. He hoped at this time of day that he need not occupy much time in arguing that the practice of presentment or indictment by twelve or more men before the subject could be called upon to answer was the law of the land: the great Charter declared that *nullus homo capiatur vel imprisonetur, aut aliquo modo destruatur, nisi per legale iudicium parium suorum vel per legem terræ*; there were no less than eight statutes in the reign of our British Justinian, Edward III., to the same effect. What, he would ask, brought the Star Chamber into disrepute, and finally occasioned its abolition, but because it occasioned the disuse of grand juries; and Lord Coke and Sir M. Hale, but especially the latter, in allusion to *ex-officio* informations, had declared that "the more safe, regular, and constitutional proceeding, is by indictment." He did not produce these authorities for the sake of contending for the illegality of *ex-officio* informations after a bill had been ignored: he wished with all his heart that he could this night establish their illegality, because, abhorring the power, and seeing what an engine it was in the hands of an Attorney-General to crush any man or any set of men obnoxious to Government, he would gladly prove the illegality of *ex-officio* informations rather than to make perpetual complaints to Parliament of the abuses to which they were subjected. He maintained that they were contrary to the principles of the British Constitution. (Hear, hear.) Their fitness and existence must depend, therefore, upon usage and precedent, and the question thus arose how far practice warranted them. Of one thing he was quite clear—that never until now had an *ex-officio* information been filed after a bill of indictment had been ignored; from the Norman conquest to this day, there was not a single precedent of the kind. His charge against the Attorney-General in the present case was for the adoption of harsh oppression and unprecedented measures,—measures tending to the prejudice of the individuals concerned and to the public disadvantage. His charge admitted the legality of the proceeding. The very place in which he made that charge was a recognition of its legality. If there had had been a bar—a regular bar—in a court of law, to the proceeding, it would have been needless for him to have come to the House of Commons with his case.

(Hear, hear.) The fact of the Crown's being a party in any case was of itself a most important circumstance. That the same laws might be most equitable between the people and the people and yet most inequitable as between the people and the Crown, was a principle which no man could contend against. It was approved most fully in the case of ancient Rome, the value of whose civil institutions was universally admitted, while her political code amounted to a system of unlimited slavery. Surely it was not quite a singular case to find the Crown destitute of power enjoyed by the subject. The King had no power to arraign a man upon appeal for robbery or murder; but the subject could do it, and bring the offender to punishment. But the conclusive argument, as it was supposed to be, on the other side, came to this—that the course which had been taken belonged legally to the Attorney-General. He (Mr. Brownlow) said, that the grand jury was one of the barriers of defence to the people; it was the balance, as regarded the subject, to the power of the executive force. The course which had been taken by the right hon. and learned gentleman was insisted upon as legal—then it was a legal attempt to subvert the principles of the constitution, and to turn that power to the people's prejudice which was intrusted to the Sovereign for their benefit. (Hear, hear.) He was told that the act was legal. He cared not whether it was legal or no. Charles I. had been told that ship-money was legal—he had acted upon that opinion, and that course had led him to the scaffold. James II. had been told by dependent and corrupt judges, that he had power to dispense with the laws of the land; that power had cost him the ending of his days in exile, and his descendants had been amerced of the crown of England for his error. He was told that the course was legal. Legal or illegal, would it have been taken in England? (Hear, hear.) He put that question to the English law officers before whom he spoke; legal or illegal, would the proceeding have been taken in England? (Hear, hear.) He would suppose the hon. Secretary for Foreign Affairs to announce his intention of visiting the theatre; and he would suppose a set of Englishmen to fancy (for Englishmen were apt to fancy strange things)—to fancy that the cause of Spain had not been sufficiently vindicated by this country in the late negotiations, and that blame was attaching to the right hon. Foreign Secretary on that account. Suppose such a set of men to meet at some coffee-house adjoining Covent-garden Theatre, and to plan an attack upon the right hon. Foreign Secretary, with a view to drive him, if possible, from the theatre and from the councils of the King—not to assassinate him, for that was not now the plea, but to drive him by the effect of such attack from the royal councils; suppose a bill, on such an account, to be presented to a grand jury and ignored, would the English Attorney-General venture to proceed *ex-officio*? (Cheering.) Would he venture, even if commanded to do so? He (Mr. Brownlow) believed that the Attorney-General dared do no such thing—that the learned gentleman would know that it would be as much as his situation, perhaps as much as his life was worth to do so. (Cheers.) Then why talk of the thing's being legal? Was the

nature of the proceeding changed by occurring on one side of the water instead of the other? Was it meant to contend that the same thing would be legal and constitutional in Ireland, and yet absolutely intolerable in England? The question (Mr. Brownlow concluded) was not how far upon strict law the proceeding in question could be borne out: the question was—had it been a constitutional proceeding, an expedient proceeding, or a proceeding which, under similar circumstances, would have been adopted in this country? He was of opinion, and it behoved him so to state, that it was not a proceeding of that character. He should sit down by moving, in the way of resolution—“That it appears to this house that the conduct of his Majesty’s Attorney-General for Ireland, with respect to the persons charged with a riot in the Dublin Theatre, on the 14th of December last, particularly in bringing them to trial upon informations filed *ex-officio* after bills of indictment against them for the same offence had been thrown out by a grand jury, was unwise;—that it was contrary to the practice, and not congenial to the spirit of the British constitution; and that it ought not to be drawn into a precedent hereafter.”

Mr. PLUNKETT rose, as the house would imagine, under some feelings of embarrassment, to address them on the present occasion. He had listened with admiration to the speech of the hon. gent. who had just concluded. He liked the sincerity with which that hon. gent. had spoken; and, as regarded himself, rather thanked the hon. gent. for his mildness than blamed him for his warmth; but although there were acknowledgements to which the hon. gent. stood fairly entitled, he (Mr. Plunkett) could not help remarking that he had indulged himself in considerable latitude as to the charges which he had thought it his duty to bring forward. “I cannot help complaining,” continued Mr. Plunkett, “that, when the specific charge against me is the having filed *ex-officio* informations after bills of indictment ignored by a grand jury, I should be set up as a mark for all the odium which the eloquence of the hon. gen. can direct against the system of *ex-officio* informations generally. The hon. gent. has arraigned the right of filing *ex-officio* informations in any case. The arguments which he has used would go to impeach the filing of informations generally by the officers of the Crown *ex-officio*, or by the Court of King’s Bench through the medium of the Crown-office; for in all cases of such informations, the finding of a grand jury, that great barrier, as the hon. gent. called it, of the liberty of the subject, is dispensed with. If any odium attaches to the principle of proceeding by information, let that proceeding stand upon its proper merits. I do not introduce it into action. I am not responsible for its propriety. I believe that the antiquity of the proceeding is as unquestioned as its legality; I believe that it has existed from the earliest periods of the British constitution but even take it to be a proceeding unfit to be exercised, and imagine that after a recognition of more than a thousand years, it should be thought wise and expedient even to abolish the practice, still whatever be the merits or demerits of the system, with those merits or demerits I have nothing at all to do; and it is hard that I should have them visited

as censures upon my conduct, or that I should on their account be compared to Jefferies, to Empson, or to Dudley—in short, to all those persons who have attracted in times past public vengeance on themselves, or lasting misery upon their country.” The right hon. and learned gent. after commenting at a length which we are compelled to abridge upon several points of the speech of the hon. member for Armagh, proceeded to an exposition of his own motives as regarded the proceedings in question. When the grand jury of Dublin had returned that verdict which he (Mr. Plunkett) was free to confess had filled him, the court, and the audience, with astonishment, he had felt that the character of a grand jury was sacred, and he had taken that course which he thought consistent at once with decorum and with his duty. The grand jury were on their oaths. He (Mr. Plunkett) was upon his. The grand jury had discharged that which they conceived to be their duty, and he had resolved to discharge that which seemed to him to be his. He felt the force of the party; and he did not use the word offensively, which was arrayed against him; but he could not think that he had done any thing inconsistent either with law or with the principles of the British constitution. He knew that his conduct stood—and he was content that it should so stand exposed to all the severity of criticism; but he would put it to the candour of the house—to the candour of the hon. member for Armagh himself—whether it was fair to compare his observations upon the finding of the grand jury, with the filthy, disgusting Billingsgate which had fallen from the lips of Judge Jefferies in his reprimands to a similar tribunal. The hon. gentleman (Mr. Brownlow) commented upon the zeal of Judge Jefferies in the cause, described his sending back the grand jury a second, and even a third time; and yet, said the honourable gentleman, “even Judge Jefferies did not file an *ex-officio* information after his disappointment.” But, surely, the hon. gentleman forgot Judge Jefferies was not Attorney-General: he was Chief Justice of the King’s Bench, and had no more right or power to file an *ex-officio* information than the honourable gentleman had. He now came to a part of the honourable member’s speech as to which he desired explanation. He did not exactly collect from the hon. member’s motion the extent of the imputation which was brought against him. The hon. gent., in reproaching his conduct towards the persons charged with riot, used the expression “particularly in bringing them to trial upon *ex-officio* informations after the bill of indictment had been thrown out by the grand jury.” He Mr. Plunkett wished to know what that “particularly” meant. Was the charge in that respect only? If so, why was the word “particularly” used? If the fault went beyond that particular act, ought not the other objectionable acts to have been stated, that he might have been aware what he had to answer to? The hon. gent. had brought one charge against him entirely unconnected with his general argument—that of having committed the rioters for the capital offence, and afterwards persecuted them only for the misdemeanour. This was a charge of the honourable gentleman’s, quite unsupported by evidence. How did the hon. gent. propose to show that the individuals in question had been committed by him (Mr. Plunkett), or even

under his advice? He did not mean to shelter himself under any deficiency of evidence. He admitted that the Magistrates had committed the rioters by his advice; but if they had been wrongdoers in what they then did, they were open to actions at law for their conduct; and he certainly did not believe that an Attorney-General of Ireland could be liable before Parliament for having given advice, even admitted to have been imprudent or indiscreet. The hon. gentleman said that he was advised, by legal authorities, that no man could be committed upon a capital charge, unless there was “irresistible” evidence of his guilt; but, from whatever quarter that opinion came, he (Mr. Plunkett) was under the necessity of dissenting altogether from it. There were stages in legal proceedings; and although there ought to be clear evidence to go to a jury of a man’s having done a capital offence to justify committing him capitally, yet it was not until the time came for presenting the bill to a grand jury, that the public prosecutor was bound to determine whether there was such evidence as would ensure conviction. The evidence upon which the committals in the present case had been founded, certainly was not before the house. It had been withheld, not for the purpose of screening him (Mr. Plunkett), but in order to protect the regular course of legal proceeding, and to protect the Magistrates who had acted. As far as he, personally, was concerned, he had not the slightest objection to the evidence being brought forward, or to stating the grounds upon which he had advised the committal; he even wished to make that statement, for he thought it due to his own honour and character, not to have it imagined that he had recommended any proceeding upon hasty, light, or insufficient ground. When the parties had first been taken up, they had been committed upon the charge of misdemeanour. He (Mr. Plunkett) had at that time only heard the circumstances attending the riot; and although he had thought them most daringly outrageous, yet he had not thought they amounted to what would constitute a capital charge. Some person in the theatre had done that which endangered the life of the Lord Lieutenant, but he had not seen any thing to warrant his believing that there had been a conspiracy to take away the life of the Lord Lieutenant. In the course, however, of the seven days’ examination which followed, facts had come out which tended to show that the riot had been the result of premeditation, and that the person who had been the principal agent in the conspiracy, and who had assisted in packing the house for the purpose of making the riot, connected himself with the attack upon the person of the Lord Lieutenant. It had been attempted to throw ridicule upon that attack, through the implements or weapons with which it had been made. It was easy, perhaps, to make jokes upon a rattle or a bottle; but neither a rattle nor a bottle would be a very pleasant joke, if flung at the head of any honourable gentleman whom he (Mr. Plunkett) was addressing. If that bottle had struck the Lord Lieutenant on the head, it would have, in all probability, taken away his life; and the rattle, if it had taken a similar direction, would have no doubt produced a similar effect. And what followed the throwing of these weapons? Why, Mr. Forbes, at once expressed his regret that they had missed. One of the offenders, on being taken into custody, was rash enough to declare, that they were determined to

hazard their lives for the attainment of their object, and he hoped, on another opportunity, that they would be more successful. It was said that this man was infuriated with drink, and that he should not be made responsible to the laws for words so inconsiderately spoken. He merely stated the grounds offered by one of the parties implicated for the perpetration of the outrage. It was said, that the person was infuriated with drink,—that he was not master of himself,—that he was under the influence of violent passion, and was not answerable for the words he uttered. But the same intemperance, the same uncontrolled fury of passion which allowed him to use these expressions against the Lord Lieutenant, might prompt him to deeds which would put the life of his Excellency in peril; and he (Mr. Plunkett) would not have discharged the duty which he owed to the laws of the country and the chief Magistrate under whom he served, if he had not advised in the meantime, and until full deliberation upon the proper mode of prosecution could be had, that the parties should be held in custody. Accordingly, three persons were arrested—the man who flung the bottle, the man who flung the rattle and he who had made use of the expressions before mentioned. He begged the attention of the country gentlemen in the house to a few observations which it would be incumbent on him to make, respecting the remarks which had been made upon the functions of grand juries, and the law as it at present stood relative to that subject. He hoped with all proper deference for those functions, to proceed then, with the proof of the legality of what he had done. In the first place, no one acquainted with the practice and principles of the case would hesitate to go along with him in this, than which there was no point of law more clearly settled, that the ignoring of the bill by the grand jury was no bar to any subsequent proceeding by indictment for the same offence, and that it was quite legal to present the same indictment again and again and again, *ROTIES QUOTIES*, as often as the bill should be ignored. He mentioned this with a view to show that the same principle must apply to the filing an *ex-officio* information after a bill ignored. With respect to the principle, it was clear that a party might be put on his defence for the same crime before another jury by indictment. That fact being established, he would pass to the next consideration. It would be readily admitted to him, that for certain purposes of prosecution, the proceeding by information had been always considered as perfectly consistent with the constitution of the country; and accordingly Justice Blackstone had observed—“This power, thus necessary not only to the ease and safety, but even to the very existence of the executive magistrate, was originally received in the great plan of the English constitution, wherein provision is wisely made for the due preservation of all its parts.” In short, it was just as much a part of the constitution as any other mode of trial. The books abounded with reasons in favour of it, the main purpose assigned being that of guarding the rights of the Crown and the general interests of justice more securely, and to prevent the failure of justice by the ordinary course of jurisdiction. To except the failure of justice through the exercise of the functions of grand juries, was to except the chief class of cases for which the remedy had been provided. He came now to the particular exercise of this power. The several branches of the prerogative were exercised by known and

responsible officers of the Crown. The right of filing informations was formerly with two distinct officers under the Crown—one being that of the Attorney-General, the other that of the Master of the Crown-office. The Attorney-General exerted it for offences which were peculiarly against the state and to the danger of the King's person. The Master of the Crown-office exerted it for the prosecution of offences of a lower degree, which were not so easily rendered amenable to the ordinary process of law. The main distinction was this—that in all capital offences, including felonies, the prosecution must be by indictment. In all cases of misdemeanor, the proceeding by information was to the full as well known, as proper, as strongly authenticated as that of indictment in felonies. Each of the officers mentioned before was at liberty to exert the right of filing informations—their power was co-existent—one of them could do it to the same extent as the other, nor had one of them greater authority than the other. This was the case down to the time of the Revolution. He begged it might be held in mind, that at the abolition of the Star chamber tribunal, a period remarkable for the constitutional jealousy of Parliament, it had been expressly stipulated that nothing in those proceedings should impeach the right of the Crown to proceed in particular offences by filing informations. This taking place at such a period, of itself proved that the power, even in the period of the greatest jealousy as to the liberties of the country, was held to be quite compatible with the constitution. The right of the Crown had been exercised in the manner he had before described down to the period of the revolution. It was the clear and established principle of law, that no subject could be called on to plead to, or be tried for the same offence twice. But there was no protection from further proceedings until trial. Now, the presentment before a grand jury was no trial; it was only a proceeding towards a putting the defendant on his trial, and therefore he must show not the decision of a grand jury, but the acquittal by a petty jury. He defied any lawyer to show that the application of the principle had ever admitted any distinction between proceedings by indictment and by information. Ignoring the bill was no bar to a new prosecution either way, nor anything short of an acquittal by a tribunal competent to try the information. It had been asked, was it not most unjust to impeach the conduct of those who could not be allowed to explain—that the grand jury being sworn to secrecy were not at liberty to reveal the motives of their conduct, and by consequence the defence of what they did was impossible. This, if true, was equally applicable to the Court of King's Bench. But the fact was, neither the Court nor the grand jury were called on for a defence. The question was, not between the Court and the jury, but between the criminal and the public—whether offenders should be allowed to escape through a failure in the exercise of the functions of grand juries or not. It appeared from the report that the grand jury attempted to send the witnesses away; that they were unwilling to ask them any questions, and appeared to wish to turn the whole matter into ridicule. Mr. Plunkett here quoted the *King v. Hope* and said here was not only the case of passing by the decision of the grand jury, but the particular grounds of conduct in the grand jury were also alledged. Here were reasons giving, which went beyond the statement just now made by the hon. member. And who said this?

He could assure the house he was not using the words of Judge Jefferies, nor of Epsom, or Dudley, or any other of the odious authorities with whom he had been compared. This was the decision of Lord Hardwicke, in which it was declared that the attainment of justice was not to be frustrated through little party heats and local irritations. (The right honourable and learned gentleman proceeded to cite a great variety of cases subsequent to this period, filed in the Court of King's Bench here and in Ireland, in which informations had been prayed, in many cases allowed, on alleged error or misconduct of the grand jury upon indictments previously presented, the Court on some occasions requiring grounds to be laid by affidavits; in others admitting the bare allegation of the parties so applying.) He hoped that no impression would remain of any suspicion that he was likely to inoculate the law of the country with the virus of oppression by anything which he had said or done in Ireland. He had rather taken than given the infection, and that not from Jefferies or the Star Chamber, but from such Judges as Lord Hardwicke, Lord Mansfield, Lords Clonmel, Kilwarden, and Downes. Indeed, he believed that the desire of depriving his Irish fellow-subjects of the benefit of equal laws and freedom with this branch of the empire, would be the very last subject upon which any charge could be raised against him. It was agreed on all hands that there had been a riot in the theatre, and that an assault had been committed on the Lord Lieutenant, because he had endeavoured to govern Ireland according to the expressed wishes of the King. Nobody, he thought, would deny that this was a fit case for an *ex-officio* information. What, then, was his crime?—that he had not filed an information when it ought to have been filed, but that he had preferred going to the grand jury. This it was that had called down upon his head all the menaces of the violated constitution, and had provoked the lightnings of the hon. gentleman's eloquence. That hon. gent. had said that it was a mockery of the grand jury to send cases to them, when, if their finding pleased him (Mr. Plunkett), it was well; but if not, that he would then file his information. There had been some inadvertence in this statement: the hon. gentleman mistook much if he thought the Attorney-General would descend upon such occasions to pick quarrels with the finding of the jury. There might be many cases where he should prefer relying upon the judgement of 24 honest men to acting solely upon his own, and he should send such cases to them with the determination of abiding by their opinion, but always with this observation that if that opinion should appear to have been influenced by sinister or improper motives, then he should not consider himself bound by it. He would put it to the common sense of the house to say, whether, if when the witnesses came to be examined, the jury should sit with their legs crossed and their hands in their ears, he should not be obliged to take any other means which were lawfully within his power, to obtain that justice which would otherwise be withheld from the Crown while it was within the reach of the meanest subject. The papers moved for on a former occasion had been this day laid upon the table. It appeared from them that 13 witnesses were examined before the grand jury exclusive of the two Atkinsons, and some other persons who had been examined on the trial. He would take upon himself to say, that in looking at the evidence now given in, there was no part of the charges contain-

ed in the indictment—no part of the riot—no part of the conspiracy—no part of the assault which had not been clearly and demonstratively proved. No man of common sense could say, after perusing this evidence, that the jury had arrived at the conclusion which they had formed by fair means. That evidence disclosed the fact of placards having been printed, and that W. Graham, who had distributed many of them, was found at night hissing in the theatre; that he had flung his missile; that Forbes had purchased box tickets, and was taken by Mr. Blades, the sheriff's officer in the manor, with a whistle in his hand, and at that side of the gallery whence the missiles had proceeded. He had afterwards boasted in a tavern of the part he had taken, regretted the ill success of his attempt, and hoped for better at some other time. The house being now in possession of these facts would judge whether he had been justified. The grounds of the conclusion of the jury (of which he was as certain as if he had been in their box), were that they thought, when the Lord Lieutenant had presumed to act in obedience to the commands of his Majesty to prevent those heart-burnings and breaches of the peace which had hitherto disturbed Ireland, a certain class of persons whom he had called "a gang" should show in a marked manner their sense of displeasure at his conduct, but they should not go the length of assaulting him; and he believed that a great part of the Corporation of Dublin did not think them erroneous in that opinion. In the evidence it was stated, that one of the witnesses when asked if he had seen a bottle thrown, had replied "No," but that he had seen a rattle thrown, upon which he was immediately shown to the door. (Hear.) The right hon. gent. then proceeded to read from Mr. Green's report of the trial the Lord Chief Justice's charge relative to the right of an audience in a theatre to express their censure or approbation, (p. 348 and 349). It had been said that he was not justified in resorting to the evidence which had been given after the trial, to support the opinion he had formed previous to it. He deprecated such a mode of restricting a public functionary and in this case at least the subsequent evidence proved the correctness of his opinion. It appeared by the evidence that a plan had been concerted by the members of an Orange-lodge. He did not mean to bring before the house this subject, of which, though he had always disapproved, he had never interfered in; but he would tell the house in five words why he disapproved of such associations—because they were illegal by the statute law, and by the common law, being bound by a secret oath; and recognizing a jurisdiction inconsistent with the duty to the state; but above all, because they established an exclusive religious system, and brought the Catholics and Protestants into a state of hostile array. If the hon. gentleman supposed that he would descend from that character which he might say belonged to him in the country and in society, for the base purpose of aiding a faction, if his life and character were not a sufficient shield against such an imputation, no defence he could make ought to be his shield. It appeared also by the evidence to which he had alluded, that an additional subscription had been entered into for the purchase of tickets, to pack the galleries with the lower orders of Orangemen. It was the disgrace of these societies that the higher members were brought into contact with the lower ones, and when this happened the former became the slaves of the latter. They placed from 60 to 100 persons in the gallery, having first excited their pas-

sions by a liberal distribution of ardent spirits. Forbes then went to the lattices [the upper row of open boxes in the Dublin theatre are so denominated], from which he could communicate with them. They received from him directions with respect to the mode in which the riot was to be conducted. (Hear.) When these circumstances were proved before the grand jury, and when, notwithstanding the evidence, they came to so strange a conclusion, was it not fair for him, feeling that they had proceeded on a false principle, to adopt the measures to which he had ultimately resorted? (Hear.) The hon. member, without a due inquiry into the facts, had called on him to enter on his defence; and he thought he had stated a case every way justificatory—a case which entitled him to call for an acquittal. He contended that he had a right to mark the way in which the grand jury had conducted themselves on this occasion; and having done so, he felt that he would himself have been amenable at the bar of public justice, if he had not proceeded against the rioters. (Cheers.) He now had reason to know, that the High Sheriff was a near relation of two of the traversers. Had he been aware of the circumstances at the time, it would have afforded good ground for challenging the array. He had also learned, that the High Sheriff said, "The traversers need not be under any apprehension of a conviction, for he had an Orange panel in his pocket, ready for the trial. (Hear, hear.) It happened that an individual of the name of Poole had expressed a wish to be nominated on the grand jury, before the trial. He understood, that his request would be complied with. His name did not, however, appear in the list of grand juries. The reason for this omission was demanded, and the answer of the Sheriff was, "Why, do you think I would suffer such a person to officiate on the grand jury, when he says that he will abide by the King's letters?" (Cheers.) Could he then, allow the business to rest, could he withhold all further proceedings, when he found, amongst other efforts of injustice, that one of the panel was kept back? (Hear.) He did not say this as matter of accusation against the grand jury. It only affected the High Sheriff. He did not mean to impugn the prejudices of the grand jury, but he would impugn the conduct of the High Sheriff, for selecting men who he knew were subject to such prejudices. When he found the grand jury had spent the whole day without finding the bill, he procured the panel of that and of the five preceding commissions, being the total number summoned in each year. In the preceding commissions, he found the number on the panel to run from 70 to 100; but in the latter the number was limited to 50, and it contained 26 names, which did not appear on any other panel. It had been difficult, even when 70 or 100 names were set down, to form the grand jury; but in this instance, the number was completed at once. Except the first and second names, all those who were called answered in the regular order. (Hear.) He would submit it to the candour of the Honourable gentleman who had brought this charge against him, whether he could say, that it would have been his duty, under these circumstances, to go back to that, or to any other grand jury. (Cheers.) He threw himself on the calm and dispassionate consideration of the house. Many of the gentlemen about him did not, perhaps, understand the principles of law, and they might be disposed, in consequence of the anxious means which had been resorted to for the purpose of

creating a prejudice against him, to visit his conduct with censure; but he would apply himself to their honour and their probity; and, as men of honour, viewing the whole course of this proceeding, he had no reason to think that they would treat him otherwise than a man ought to be treated, who had endeavoured honourably to discharge a most important duty. (Cheers.) Again with respect to the grand jury, an affidavit had been placed in his hands, sworn by a person who assisted in the office of the Sheriff, in which it was stated, that the Sheriff would not allow the officer whose ordinary duty it was to prepare the panel, to perform that duty, but stated that he would prepare it himself. The individual who made this affidavit; swore "that this course was taken to enable the Sheriff to deal with the panel as he pleased. (Hear.) He now came to the evidence given before the grand jury. Farley, one of the persons who was in a tavern on the night of the riot, and who heard a conversation relative to it was examined. His evidence was to this effect:—"I saw a person in the tavern, who said such and such things" (mentioning expressions used by Forbes.) "I knew his person, but not his name." One of the grand jury exclaimed—"Oh, you did not know his name?" "No; I knew his person, not his name; but I saw him this morning in the traverser's box; and I now know him to be Mr. Forbes." What was the observation of the jury? "No matter what you know now, Sir; we only want what you knew at the time of the conversation in the tavern." (Cheers and laughter.) He went back to the grand jury three or four times, and they received his evidence as against "a person unknown." (Laughter.) The same circumstance occurred to Troy, another witness, who did not know the name of the person accused, in the first instance, though he had learned it afterwards. Farley, it should be observed, was a Protestant; and they thought they could probably throw some imputation on his evidence if they could cast a doubt on his being of that faith, and could procure testimony to lead to the belief that he was a Roman Catholic. They attempted to arrive at this point through a most curious channel, namely, by examining Troy, who was himself a Roman Catholic, on the subject. They wished to discredit the evidence of Farley, because he was a Roman Catholic; and, to establish the fact, they, with something like consistency, appealed to the testimony of an acknowledged Roman Catholic. (Hear.) They asked Troy "Is Farley a Protestant or a Catholic?" He answered, "I believe he is a Protestant as I believe you to be one." "Sir, we have nothing to do with your belief. Can you state it as a fact?" The witness could not do so, and the evidence of Farley was treated lightly. (Hear.) The grand jury asked Ryan, another witness, "Were you counselled or instructed in any way to attend as a witness against Graham?" "No." "What are your motives for coming forward?" "To do justice." These, it must be confessed, were strange questions to come from a grand jury. Ryan was farther asked, "Could you be mistaken in the man who threw the rattle?" He answered, "It is impossible that I could." "What description of man is he?" "He is a low, sallow, young man. I never saw him before that time." Then came the question, "Are there not many men alike?" (Much laughter.) This, it would be observed, was the individual who swore most positively to the person who threw the rattle. Ryan was afterwards asked "Have you not admitted

that you might be mistaken in the person of Graham." The answer was, "I said no such thing." "Oh," rejoined the grand juror, "you did—I have it down in my notes." (Laughter.) He thought he had succeeded in showing the legality as well as the necessity of the proceeding which he had adopted. The hon. gent. who had brought forward the question, admitted that the proceeding by ex officio information was a legal prerogative. Now, if it were a legal prerogative, never to be exercised, he did not know the meaning or the utility of it. If it were unconstitutional, let it be taken away; but, while it existed, he was convinced that it might be resorted to, in particular cases, with perfect propriety. He admitted that this legal prerogative might be exercised without a sound discretion. In that case, the party so using it was responsible for his conduct. If it were an illegal and unconstitutional power, then there was a case against him, as he had used that power, which threw him on his defence: but, if gentlemen admitted that the power was legal and constitutional, it was for them, when they blamed his conduct, to show that he had abused the authority intrusted him—that he had exercised it in an illegal and unconstitutional manner. If the act of exercising that power were not illegal, or, ipso facto, unconstitutional, where was the hon. member's evidence on which he could found a censure on his (Mr. Plunkett's) conduct, or on which he could even demand inquiry? He had none. He had no evidence whatsoever, except what came through his (Mr. Plunkett's) lips. (Hear, hear.) This was not the way in which a public functionary should be dealt with. It was not fair. Was it because his discretion differed from that of gentlemen around him, that therefore he should be censured? Certainly not. Unless it could be shown that he acted from feelings of party policy, from personal motives or from a base desire to pay his court to the Crown, he ought not to be visited with censure. (Hear, hear.) Why should he be censured because others placed in the same situation would have acted differently? Doubtless others might have acted more wisely; but the question was, whether he proceeded fairly and justly, without any sinister feeling or object? (Cheers.) Had he done any thing contrary to the law and the constitution, or had he acted from an impure motive? These were the points for consideration. (Cheers.) No person who knew him could believe that he would so conduct himself. (Cheers.) He had, unfortunately, spent a long time in politics, and those who were best acquainted with him knew that he never had been guided by party feeling. (Hear, hear.) Much of the obloquy and censure which he had lately endured, and endured too, from those who were never before united on any one point, was occasioned, he believed, because he would not lend himself to mere party views. (Cheers.) He, however, had never sought to advantage himself by treading in such crooked and devious paths. He was opposed to the zealots of every party, he was inimical to the little sects and the little policy which did so much mischief in his native country, and he should feel happy if they were done away. (Cheers.) The present question was one of great importance. It was a question which involved the proposition, whether in future the laws were to be administered in Ireland on the principle of impartial justice—whether the King should be permitted to exercise for the benefit of the people of that country, the gracious disposition which he had already shown towards them; or whether they should

tolerate a party which was alike able to put down the King and the law? (Cheers.) He had now put the house in possession of his case, and he would leave it to their honour and justice. As it nearly concerned him personally, and as his situation was one of great delicacy, he begged leave to withdraw during the discussion, in order that they might declare their sentiments in the most free and unreserved manner. (Mr. Plunkett then withdrew amidst loud cheering.)

Mr. W. Courtenay said, he had never heard with more pain the announcement of any motion than he experienced when the hon. member for Armagh gave notice that he would bring this question forward. It was impossible that the motion could have any other tendency (be this result of this evening's debate what it might) but that of continuing and increasing that unfortunate spirit of party which was the bane and curse of Ireland. The learned gent. proceeded to argue, first, that the Attorney-General for Ireland had proved that the power which he had exercised was legal and constitutional; and next, that he had showed, most conclusively, that the exercise of that power was necessary for the safety of the country. He would state it, as his distinct and deliberate opinion, that the Attorney-General for Ireland had used his legal prerogative fairly and honestly; and he thought that that learned gentleman would have been guilty of a great and gross dereliction of his duty, if, in consequence of the dread of popular clamour, he had shrunk from the discharge of his official functions. Could any one say, after hearing the evidence, that he had acted on any other ground but that of the sound discretion upon which a public officer was bound to proceed? The motion he intended to make would deprive the different parties of the right of assuming a triumph on this occasion. He took this course, because he felt most strongly the necessity of allaying party-spirit in Ireland. He concluded by moving as an amendment, that the other orders of the day be now read.

Mr. D. Browne said a few words, which were quite inaudible in the gallery.

Colonel Barry would ask the Attorney and Solicitor-General for England, whether they would have pursued the same course in this country which the law officers had pursued in Ireland? Their answer would have a material influence upon the decision of the house. He should certainly support the original motion.

Lord Milton said, that he had heard with mixed sentiments of pleasure and pain, the speeches of honourable gentlemen who had preceded him. Pleasure, indeed, he could not but feel, at hearing such candid and constitutional sentiments from gentlemen opposite, and much should he have wished that the same honest suspicion of spies and their objects expressed by the honourable gentleman who spoke last, had entered into his mind some years ago, when similar characters were fostered by Government. (Hear, hear.) Pleased as he must be with the glowing love of liberty expressed by the gentlemen who preceded him, still he could not but remember that a few years ago, one of them had repaired in the greatest haste from Ireland, to attend in his place in Parliament to suspend the constitution of England. He had come down to the house in the full expectation that he should have felt it his duty to support the motion of the hon. member for Armagh; but it was with the greatest surprise that he found the hon. member had abandoned his strong hold of attack on the At-

torney-General for Ireland, and had framed his motion so as to leave doubts upon the motive which might govern its supporters. He was free to declare, that if the facts stated by the Attorney-General for Ireland were correct, if ever a case could be supposed to justify even a violation of the law, it would be such a case as he had opened; and if the conduct of the sheriff of Dublin had been as it was represented, he ought to be brought to condign justice for so gross a violation of his important functions. If it could be proved that either he or any other sheriff in Ireland had dared so to act, it was the bounden duty of the house to interpose, and teach such a sheriff the nature of his responsibility. If he disliked the original motion, he had also objections to the amendment; for the latter, he thought the Attorney-General himself could not feel much gratitude. It was not fair to him to get rid of this motion without expressing a direct opinion upon his conduct. He (Lord Milton) must say, that the conduct of his right hon. and learned friend, in the particular case had not been guided by sound discretion. He did not think it a wise thing, in the distracted state of Ireland, to try, for the first time, an ex-officio experiment of this nature; for he agreed with the hon. gentleman who spoke last, that the precedents quoted in justification by the Attorney-General were not analogous, as they were informations granted by the judges, and not ex-officio proceedings by an Attorney-General. Much of the evil which was complained of was to be traced to the divided state of the Government of Ireland. What was to be expected from that Government when the opinion of the Lord Lieutenant was thwarted by that of his secretary. Were persons whose sentiments were directly opposed to those of the Lord Lieutenant to hold offices under his Government? Lord O'Neil, who was at the head of one of the Orange lodges, held an official situation in Ireland. The government of Ireland, as it was at present constituted, was only proper to work mischief, and was incapable of doing good. (Hear, hear.) Before Ireland could be governed well, that party must be suppressed whose only object was to excite disturbances in that country in order to profit by them. (Hear, hear.)

Mr. Goulburn entirely concurred in all that had been done by his right honorable friend, and would share the responsibility which attached to the measures which he had adopted. He agreed with the noble lord in thinking that the amendment which had been proposed by his hon. and learned friend might be liable to some objection. It would have been more gratifying to the feelings of himself and his right hon. and learned friend, to have met the motion, which was of a personal nature with respect to them, by a direct negative. The members of Government were frequently placed in situations in which it was necessary for them to
(To be continued in the Appendix.)

STATE OF EDUCATION IN IRELAND.

"Tis education forms the tender mind;
Just as the twig is bent, the tree's inclined.

Pope.

The excess of misery in which the people of Ireland are now involved; the magnitude and rapid increase of their numbers, their growing fierceness and desperation, and the violence and fury of the contending factions, will have one good effect—it will compell that attention to be

paid to their claims for a redress of grievances which has been so long denied to the calls of justice and humanity. A measure has already been introduced for a commutation of tithes; and it is now very generally admitted, both in and out of Parliament, that *something must be done* to conciliate, to dry up the existing sources of irritation, & to render the people sober & industrious. The prevalence of this feeling renders it obviously of the utmost importance that the public should be well informed with respect to the real causes of the misery, idleness, and profligacy of the Irish peasantry; and though we do not certainly think that these causes are very difficult to discover, still it will be found, that they are neither so few in number, nor so very obvious, as is very generally supposed. Much, unquestionably, of the barbarism and disorderly habits of the peasantry of Ireland, and of the crime and bloodshed by which that unhappy country has been disgraced and deluged, is owing to its political condition;—to the long continued ascendancy of a selfish and domineering faction, and to the helotism and debasement of the great body of the people. But it is not less true, that much also is owing to their gross ignorance, squalid poverty, and redundant numbers. It is worse than idle to suppose, that any single measure can afford an efficient remedy for such complicated disorders—for evils arising out of centuries of abuse and proscription. The complete emancipation of the Catholics from every civil disability on account of religion, and the abolition, or, at all events, the commutation of tithes, ought to precede every other measure for securing the tranquillity and prosperity of the country. But, however just and indispensable, these measures will not, of themselves, be sufficient to attain the object in view. To render them completely effectual, they must be combined with others. A vigorous and persevering effort must be made to change the habits of the people—to wean them from idleness to industry—to elevate their opinions of what is necessary for their comfortable subsistence—and to induce them to exercise a little more prudence and forethought in the formation of matrimonial connexions. We do not wish to underrate the difficulties which must always oppose every plan which has for its object to effect any considerable change in the habits of the bulk of the people; but these difficulties are not insuperable. And the astonishing increase of population in Ireland, the habitual and growing poverty of the people, and their total incapacity to provide for themselves in seasons of scarcity, are evils of the first magnitude, and call upon government immediately to adopt such measures as may tend to arrest the progress of pauperism, and, if possible, to lessen its amount.

Of the different measures which have been proposed as likely to attain this object, none have been more generally recommended than the extension of education. "It is evident," says a very gracious observer, Dr. FRANKLIN, "that education only can stem the torrent, and without either checking true industry, or frugality, banish the sordid meanness and laziness of the old Irish." But we do not think it will be difficult to shew, that to render education really productive of advantage, the system on which it has hitherto been conducted in Ireland, must be *totally changed*. Many of the statements evincing the necessity of this change have been already brought forward by Mr. WAKEFIELD, and in an article on Ireland, in the 73d No. of the *Edinburgh Review*; but several additional and very curious facts have lately transpired, which set the evils of the present system of education, and the necessity of reforming it, in a still clearer point of view.

It is very commonly and indeed truly affirmed, that the Irish peasantry are grossly ignorant; but they are not ignorant in the sense in which the phrase is understood in this country. In so far as mere reading and writing are con-

cerned, they are quite as well, if not better instructed than the English. They are, Mr. WAKEFIELD tells us, almost *universally educated*; but he adds, he cannot speak of the species of education they receive in terms of sufficient reprobation. (vol. ii. p. 398.) The schoolmasters of England, and, more emphatically still, of Scotland, are a highly respectable, as well as a most useful body of men. Besides instructing their pupils in the elementary branches of education, in reading, writing, and arithmetic, they have imbued their minds with a deep sense of the obligations of religion and morality, and with a just respect for the laws and institutions of their country. But such, we regret to say, is neither the character, nor the conduct of the greater number of the country School masters of Ireland. Without subscribing to all that has been stated respecting their profligacy and immorality, it is abundantly certain, that they are very different indeed from what they ought to be. They have not enforced a regard for the benevolent precepts of the gospel on the infant minds of their pupils; but they have taught them enmity to England, hatred to the existing government, and a superstitious veneration for old customs and habits. "And hence," says Dr. Bell, "instead of expanding, the education of the Irish peasantry has served to narrow their minds; and instead of inspiring them with notions of morality, it has paved the way for the commission of every species of vice."

"The country schoolmaster," says the well-informed and liberal author of the 'Thoughts and Suggestions on the Education of the peasantry of Ireland,' "is independent of all system and controul; he is himself one of the people, imbued with the same prejudices, influenced by the same feelings, subject to the same habits; to his little store of learning he generally adds some traditional tales of the country, of a character to keep alive discontent. He is the scribe, as well as the chronicler, and the pedagogue of his little circle;—he writes their letters, and derives from this no small degree of influence and profit; but he has open to him another source of deeper interest and greater emolument, which he seldom has virtue enough to leave unexplored—he is the centre of the mystery of rustic iniquity, the cheap attorney of the neighbourhood, and, furnished with his little book of precedents, the fabricator of false leases, and surreptitious deeds and conveyances. Possessed of important secrets and of useful information, he is courted and caressed; a cordial reception and the usual allowance of whiskey greets his approach; and he completes his character by adding inebriety to his other accomplishments. Such is frequently the rural schoolmaster,—a personage whom poetry would adorn with primeval innocence, and all the flowers of her garland! So true it is that ignorance is not simplicity, nor rudeness honesty."

And it does not appear to us that either the schoolmasters or the people are to blame—the fault is not theirs, but ours. The morality, prejudices, and disaffection of the one and the other, are the result of the persecution they have undergone. Instead of establishing parochial, or other schools for the education of the poor Catholics, and ascertaining the qualifications of the teachers, we actually forbid their instruction. Under pretence of discouraging Popery, laws were enacted, prohibiting, under heavy penalties, any Catholic from teaching in any school, or instructing youth either publicly or privately! It is highly to the credit of the Irish people, that their taste for knowledge was not altogether effaced by eighty years operation of these brutal and disgusting statutes. But their tyranny and injustice were too gross and glaring to render their rigorous execution possible. In summer, the children of the peasantry sought instruction from their teachers beneath hedges, in the open air; and in winter, they followed them to some miserable hovel.

Surely, however, it was not to be expected that men exposed to so unmerited, and so intolerable a persecution, were to inculcate moderation and the forgiveness of injuries—or that the victims of injustice and oppression were to enforce the duty of obedience to government, and of respect for the laws! Gratitude is one of the strongest marked traits in the Irish character; and had the schoolmasters been kindly treated, they would, doubtless, have laboured to promote the interests of government, but, finding themselves persecuted and oppressed, they laboured to instil a rooted hatred of the English name and nation, and of the professors of the Protestant religion, into the minds of their pupils. They represented the English as plunderers, who had robbed them of their lands, and reduced them to a state of bondage, and as infidels who had abjured the only true faith; and they taught them, that it was their duty to avail themselves of the first favourable opportunity for expelling the invaders from their shores, and for repossessing themselves of that property they had usurped. Every one who knows any thing of the state of Ireland, knows what a powerfully disastrous influence this early training has had on the public mind.

The laws prohibiting Catholics from teaching were repealed in 1782; but the infection which they generated has not yet been extirpated. It has been sheltered and protected by the miserable remnant of the penal code. Man naturally hate and undervalue that in which they are not permitted to participate. And so long as emancipation is withheld, it will be worse than idle to expect that the Catholic schoolmasters should be sincerely attached to the institutions of the country, or that they should seriously inculcate a respect for them.

The poor and dependent condition of the schoolmasters is also productive of very bad effects. Their salaries are so small, as to prevent every respectable or well educated man from devoting himself to so unprofitable and irksome an occupation. Neither are the books generally used in the schools of the class best fitted to instruct and inform the mind. So far indeed from this being the case, they are, with a very few exceptions, of the very worst description. For the most part, they consist of the lives of thieves, witches, smugglers, and prostitutes, or of wild and extravagant tales; of books which either tend to inflame and strengthen the worst passions, or to fill the mind with extravagant and absurd notions of real life. It is an abuse of language to say that people taught to read only such books are educated. They are worse than ignorant. Their understanding is depraved and perverted. To learn, they must begin by unlearning most of what they have already acquired.

Mr. WAKEFIELD has given (vol. ii. p. 400.) a list of some of the *common school and cottage* classics of Ireland. It contains, amongst others, the "History of Fair Rosamond, and Jane Shore," two prostitutes; "Ovid's Art of Love;" "Devil and Dr. Faustus;" "History of Irish Rogues and Rapparees;" "Moll Flanders;" "Mendoza's New System of Boxing;" "History of Donna Rozina," a Spanish prostitute, &c. &c. Mr. WAKEFIELD's work was published in 1812, but his censure has not abated this intolerable nuisance. In the debate on Sir JOHN NEWPORT's motion on the State of Ireland on the 22d of April last, Mr. GRANT stated that "the Irish schoolmasters, and the books used by them, were of the very worst species."

But we have it in our power to appeal to a still more unexceptionable authority, to shew the wretched state of education in Ireland. Mr. SPRING RICE, member for Limerick, is known to be the author of the excellent article on Ireland, which appeared in the first number of the *Inquirer*, published in last April. Mr. Rice had the best opportunities for acquiring correct information on the various subjects of which he

treats: and he expresses himself with regard to education as follows:—

"But though education is widely diffused, it is a species of education of the most questionable advantage. The books read, are frequently prejudicial to the best interests of society. We have now in our possession the Life of a noted highwayman, containing a most vivid picture of his adventures and crimes, 'his hairbreadth 'scape and perilous instances' from the first opening of his career, and closing by a cheering account of his pardon through the influence of a noble protector. In order to render such a publication more classically attractive, an Appendix is subjoined, containing what bears the title of 'The History of Sir John Falstaff.' This work we found in an Irish country school, forming the *TEXT BOOK* for the instruction of the young, bearing the name of the printer, who promises in the title page 'great encouragement to country dealers!' We have only selected this book as a specimen; others of the same character, but of a still more objectionable tendency, are in many instances placed in the hands of the young, whose principles and feelings are thus tainted at the source. Is it wonderful that the youth of the country, who have thus learned to admire as heroic the deeds of rapine and violence of the robber and murderer, should imitate the acts on which their minds have been accustomed to dwell with interest and delight? Trained up in such a school, we may but too frequently find among the peasantry of modern times, a representative of the kerne and gallowglasses of the days of Spencer, or of those chieftains 'who did never eat their meat till they had won it by the sword; who made the day their night, and the night their day; who did light their candle at the flames of their foemen's houses, and whose music was not the harpe nor lays of love, but the cries of people, and the clashing of armor.'"

Can this state of things be tolerated? The question is not whether the people of Ireland shall be educated, for that they have decided for themselves, but whether they shall receive a virtuous and useful education; or whether their education shall be such as to render them the implacable enemies of religion, morality, and of the rights of others? This is a question of paramount importance; and it is one which the Legislature ought long since to have decided.

We must say, that the Catholic Clergy seem to have been guilty of a very culpable inattention to the state of the schools at which their parishioners are educated, in not putting a stop to the use of these publications. Had they interfered with the spirit and energy they have sometimes manifested on occasions of infinitely less moment, it is difficult to suppose that this demoralizing practice could have been so long continued. Certainly we have no right to expect that the Catholic Clergy should charge their schoolmasters to enforce respect for a Government which has loaded them with degrading disabilities: But we have a right to expect, and we do expect, that they will charge them to discard the infamous publications now taught in their schools, and to substitute others in their place, fitted to improve the moral and intellectual qualities of the scholars. If the clergy have any regard either for the temporal or eternal interests of their flocks, and we are willing to believe they have both, they will certainly interpose to check so disgraceful a practice, and to prevent the seminaries destined for the instruction of youth from becoming hotbeds of iniquity, and nurseries for the galleys. The Catholic Clergy object to the use of the Bible in schools, unless it be accompanied with notes; and we are not theologians enough to say whether this is right or wrong. But if such be their opinion, let them print a

cheap edition of the Bible with notes, for a class-book. The author of the 'Thoughts and suggestions on the Education of the Peasantry of Ireland,' and all other intelligent Catholics, admit, that the poor of their communion are *completely destitute of all religious and moral instruction.* It should be a principal object with the priesthood to labour to supply so great a desideratum.

[The Scotsman, March 15.]

The following is a list of the Greek Committee at the Crown and Anchor Tavern, Strand:—

Beaumont, Barber, Esq.	Maxwell, John Esq., M.P.
Bentley, Hon. D., G. M. P.	Macanley, Zachariah, Esq.
Bentham, Jeremy, Esq.	Moore, Thomas, Esq.
Burdett, Sir F., Bart., M.P.	Macintosh, Sir James, M. P.
Campbell, Robert, Esq.	
Coke, Thos. Wm., Esq., M. P.	McGrie, Dr.
Dacre, Right Hon. Lord.	Mavrogordato, J., Esq.
Davies, Colonel, M. P.	Parks, Samuel, Esq.
Ellice Edward, Esq., M.P.	Paxton, Sir Wm. Bart., M. P.
Elphinstone, Sir Howard,	Phillips, George, Esq. M.P.
Colonel of Engineers.	Ricardo, D., Esq. M. P.
Evans, William, Esq. M.P.	Ralli, N., Esq.
Erskine, Right Hon. Lord.	Rice, T. S., Esq., M. P.
Ebrington, Lord, M. P.	Rogers, Samuel, Esq.
Elton, C. A. Esq. of Clifton	Russell, Lord John, M.P.
Gilchrist, John M., Esq.	Rumbold, Charles, Esq. M. P.
Gordon, T., Esq. of Cairness.	
Henry, J., Esq.	Smith, William, Esq., M.P.
Hobhouse, J. C., Esq. M.P.	Smith, John, Esq. M.P.
Hume, Joseph, Esq., M.P.	Scars, James, Esq., M.P.
Hutchinson, Hon. C. H., M. P.	Schib, D., Esq.
	Taylor, Richard, Esq.
	Tumbull, William, Esq.
	Williams, John, Esq., M.P.
Hamilton, Lord A., M. P.	Wilson, Sir Robert, M.P.
Kimaird, Hon. Douglas	Wilks, John, Esq.
Lambton, J. G., Esq. M.P.	Weatherstone, George, Esq.
Lennard, T. B., Esq. M.P.	John Bowring, Esq. Hon. Sec.
Long General	

Woolwich, April 1.—In the dock where the Nelson was launched about eight or nine years ago, the keel of a new line-of-battle ship, to be called the Thunderer, has just been laid down. Three frigates are building and in a considerable state of forwardness; these are the Hebe and Clyde of 50 guns each, and the Tenedos of 40 guns. The plan of building frigates of this rate has been adopted since our late conflict with the Americans. They are all to have round sterns, according to the improvement introduced by Sir Robert Seppings. The Blenheim, 74, and the Magicienne of 42 guns, are undergoing a thorough repair. The North Star sloop is nearly finished, and the Pylades sloop has just been laid down. These are all the ships at present in this yard.

The Alert sloop of war was launched from Chatham dockyard on Thursday last (27th ult.) The Revenge and Hussar have been both put into commission, at the same yard—(Kentish Gazette.)

BUONAPARTE AND GENERAL GASSENDI.

"One day the Councillor of State, General Gassendi, taking part in the discussion of the moment dwelt much upon the doctrines of economists. The Emperor who was much attached to his old artillery comrade, stopped him saying: 'My dear General where did you gain all this knowledge, where did you imbibe these principles?' Gassendi who very seldom spoke in the Council, after defending himself in the best way he could, finding himself driven into his last intrenchments, replied that he had after all, borrowed his opinions from Napoleon himself. How exclaimed the Emperor with warmth. What is that

you say? Is it possible from me who have always thought that if there existed a monarchy of granite the chimeras of political economists would reduce it to powder, and after some other remarks partly ironical and partly serious, he concluded:—'Go General, you must have fallen asleep in your office and have dreamed all this.' Gassendi who was rather irascible, replied oh! as for falling asleep in our offices, Sire, I defy any one to do that with you, you plague us too much for that—all the council burst into a fit of laughter and the Emperor laughed louder than any one."

In the American Courts of Justice, neither the Counsel nor Judges wear a gown. A barrister, who was lately retained in a cause, being incommoded by heat, first stripped off his coat, then his waistcoat: and while the opposite counsel was pleading, he put a cigar into his mouth, and deliberately smoked!!!

Among the rumours on the Continent it has been confidently reported that the Emperor of Russia has positively determined to remove Bernadotte from the Throne of Sweden. If this report has any solid foundation, it is not improbably connected with the recent conspiracy in that kingdom.

Sir Walter Scott, it is said, intends to visit Ireland in the course of the present summer, for the purpose of collecting materials in that country for writing a series of novels, founded on the ancient history and records of Ireland.

Mr. Hamilton is appointed Private Secretary to Lord Melville, in the room of R. W. Hay, Esq.

The Bath and Chel. Gaz.

GREEK SONG.—THE VOICE OF SCIO.

A voice from Scio's Isle,
A voice of song, a voice of ill,
Swept far as cloud or billow rolled,
And earth was hushed the while.
The souls of nations woke!
Where lies the land whose hills among
That voice of victory hath not rung,
As if a trumpet spoke?
To sky, and sea, and shore,
Of those whose blood, on Ilion's plain,
Flowed from the rivers to the main,
A glorious tale it bore!
Still by our sun-bright deep,
With all the fame that fiery lay
Threw round them in its rushing way.
The sons of battle sleep.
And kings their turf have crown'd
And pilgrims o'er the foaming wave
Brought garlands there; so rest the brave,
Who thus their bard have found!
A voice from Scio's Isle,
A voice as deep hath risen again!
As far shall peal its thrilling strain,
Where'er our sun may smile!
Let not its tones expire!
Such power to waken earth and heaven,
And might and vengeance, ne'er was given
To mortal song or lyre.
Know ye not whence it comes?
From ruined hearths, from burning fanes,
From kindred blood on yon red plains,
From desolated homes!
Tis with us through the night!
'Tis on our hills, 'tis in our sky—
Hear it, thou Heaven! when swords flash nigh,
O'er the mid waves of fight.

Appendix to the Bombay Gazette.

WEDNESDAY, SEPTEMBER 17, 1823.

(Continued from the Page 665.)

sacrifice their own wishes, in order to attain a greater object, and so it was on the present occasion. The only question which the house was called upon to decide was, whether his right hon. and learned friend had sufficient grounds for filing an ex-officio information. He was not called upon to prove that the characters of the persons from whom he received this information were unimpeachable; but he would maintain that his right hon. and learned friend had shown that the information which had been laid before him was sufficient to authorize the extraordinary proceeding to which he had resorted.

Mr. Brougham said he was oppressed with much difficulty in rising to address the House; for though he felt a sincere conviction of the danger which would result, if the house were to come to a vote which would give, however light a countenance, however little additional weight to that mass of party animosity which unhappily distracted Ireland but, too much already, yet he was aware, that if the house were to negative the motion which had been first submitted to it, after the very able, eloquent, and masterly speech of the hon. mover, it would desert the duty which it owed to the constitution of the country, infringed upon, as he believed in his conscience it had been, by the conduct of his right hon. and learned friend the Attorney General for Ireland. After having listened to the able and learned arguments of his right hon. and learned friend with the greatest attention, with all the inclination in the world to find him right on the grounds of personal and professional respect, and above all political feeling, and he would also say of political prejudice, which he was not ashamed to avow he felt against the quarter from which the attack upon his learned friend had proceeded, he came to the result that upon no minor points, but upon the great fundamentals of liberty and the law of the land, the constitutional principle—for there was no legal principle in the case—was directly against the Attorney General for Ireland. He had begun with a preliminary argument which mathematicians called a lemma. He said, that he could find no precedent for an Attorney-General filing an ex-officio information after the grand jury had thrown out a bill against a party, but that in the 18 cases which he mentioned the Court of King's Bench had granted rules for proceeding ex-officio. Now it would be necessary to consider whether the manner in which the Court proceeded in those cases was analogous to that in which his learned friend had proceeded in the recent instance. He denied that such was the case. The court never granted a criminal information in any of the 18 cases, without having before it an affidavit of misconduct on the part of the grand jury; and moreover, the statute required, that the party applying for the information should enter into recognizances, in order that the party against whom the rule was sought might be secured his costs. That was the first answer that he would give to the hon. gen.; but there was another. Only one of the cases which his learned friend had quoted could even nominally be compared to a criminal proceeding—he meant the case of the repairing of a bridge. It was well known that the grand jury of a county alone had the power to direct an assessment on the inhabitants for defraying the expense of repairing a bridge; if they refused, the Court of King's Bench was compelled, ex-rei necessitate, to grant a criminal information, in order to prevent the road being blocked up. He came now to the last remark with which he proposed to trouble the house on the legal part of the question. The right hon. Attorney-General for Ireland had said—“How can

give you instances nearer than those I adduce? They are, says he, in as great plenty as blackberries (a laugh), and are yielded year after year, term after term; but from their very nature it happens that no record of them remains.” Why, one-half, nay, nine-tenths, of the constitution, as well as of the laws, of this land, rested upon matter not of record. (Hear.) Nine-tenths of that which regarded what a man might do—of what a public officer might or might not do was to be found in no record, but only in the traditional knowledge of men learned and authoritative in these matters—the text writers. No man could be brought before them old enough, to show that he recollected any one case occurring either in England or Ireland, in which an Attorney-General had filed an ex-officio information upon an indictment previously ignored by a grand jury. Was this no fact for his right hon. and learned friend? (Hear.) Was this no case of authority? Why would he talk of ancient books and records mouldering on the shelves of the Crown-office, when a fact so weighty, so palpable as this was before his eyes, and not susceptible of contradiction? (Hear, hear.) Then as to the foundation on which the right hon. and learned gentlemen had chosen to rest his defence of ex-officio informations, he (Mr. Brougham) entirely concurred with him in the manner in which he had cleared this subject of all unnecessary impediments and incumbrances. But as to their legality, the authority of Sir Edward Coke was not necessary to prove that. He (Mr. Brougham) must of course admit it; he thought these informations were legal, indeed, for they rested upon long usage—in-veterate practice—and inherent hostility to the spirit of our constitution. Their legality, therefore, he meant not to question; but he denied the propriety of using them, and most especially in such a case at this. He concurred with Lord Chief Justice Hale, who said of this practice, that “though it may be legal and constitutional, it is far better to go on the presentment of a majority of a grand jury;” far better than to file an ex-officio information. But what had the Crown to do with such an information in this instance? The facts of the case put the question of its legality (to use a Westminster expression) entirely out of court. What was the observation of Mr. Justice Blackstone on this point? One part of it, his right hon. and learned friend (Mr. Plunkett) had quoted; but the other part of the sentence he had omitted. The right hon. gentleman had repeated, “that this power was originally reserved in the great estimate of the English constitution;” but he did not add what was joined to this in the text, namely, “for offences so high and dangerous, in the punishment or prevention of which a moment's delay would be fatal, the law has given to the Crown the power of an immediate prosecution, without waiting for any previous application to any other tribunal.” That meant, that according to Blackstone, whether the grand jury did not sit for the month—where times pressed—where there was great and imminent danger to the State and the personal safety of the Sovereign was at stake, Government were not to wait for the meeting of the grand jury; but to file an ex-officio information against the parties. The great authority in question put the matter in no other light, but confined it to this. Men would, however, view the same thing in very different lights; and, it might be, through very different mediums: as this case, many members might look at, through one affected, he would not say by an Orange tinge (laughter), but one certainly coloured in some way or other. (Hear,

hear.) It had happened that some men had viewed as a matter of merriment the throwing of a glass bottle at the head of his Majesty's representative (hear, hear,) and had regarded in no serious or anxious feeling the levelling of a large bit of wood at the box in which that distinguished personage was sitting. (Hear.) He did not mean to say that this sort of levity was attributable to the hon. gentleman opposite; but he had been told that the transaction had furnished matter of amusement to almost the highest legal authority in that country. (Hear, hear.) He had been told that it had elicited some of the choicest specimens of that wit and humour for which that great and learned functionary was so distinguished. (Hear.) He had been assured that in a certain circle, where festivity and legal learning were accustomed to walk hand in hand together, the eminent person in question had observed, in alluding to the riot at the Dublin Theatre, “that he never before heard of a rattle which had made such a noise; that he had heard, indeed, of a full quart bottle exciting much eloquence and producing some merriment; but he never knew an empty one which had caused so much talk or attracted so much attention.” (Laughter.) He (Mr. Brougham) had no wish to interfere with, or check the full tide of so much innocent mirth; and he had heard of yet another joke, said to have proceeded from the same quarter—namely, that when the other indictment was traversed, about the putting his Majesty's liege subjects in fear of their lives, they produced the most ancient gentlewoman they could find in all Ireland to depose that she was never less alarmed than on the occasion referred to. (A laugh.) It might however, be natural that some little degree of mirth should have been thrown upon that which was in truth very serious, particularly in the appearance it manifested of bad feeling, and still more so in the consequences to which it might lead, were it to give rise to a successful attempt to overthrow a Government, of which, notwithstanding all that could be urged as to its defects, and they were manifold, of its vices, or its incompetency, he (Mr. Brougham) would say, without mincing the matter, and without regard to political feeling, that it was, compared with that which some persons were so anxious to put in its place, a celestial arrangement as compared with an infernal one. (Cheers.) Such a wish he imputed not to the supporters of this motion; but for this motion he could not vote. If he could be moved by the eloquent arguments of the hon. member, and he wished to avoid being influenced by appearances as much as drawing inferences, his fear would still be, that by supporting the proposition, he should be exposing Ireland to the very evils which he so greatly deprecated: and playing the game of that faction which under whatever name the house might choose to designate them, had been for so many years the curse of that country. (Cheers.) This would be to postpone to an indefinite period that which he so earnestly prayed for on behalf of Ireland, as well as of England, a more equal, liberal, and beneficent rule, to succeed to the misgovernment of past times. (Hear.) If an ex-officio information was still necessary to be filed, there surely lacked not opportunity of putting such a measure in execution. Many hon. gentlemen who would vote that night, might perhaps be influenced by the very eloquent appeal which had closed the speech of the Attorney-General for Ireland; but when they saw a sheriff acting in the way described, and a grand jury receiving instructions from him, and when they looked to the

turmoil and indignation which must, God knew, in any country, but more decidedly in a country like Ireland, be the consequence of such proceedings—could any one feel, whatever might be the results of the outrage at the Dublin theatre, or of following up an indictment once tried before a grand jury by an ex-officio information—whatever doubts might arise in regard to these matters could any one hesitate what judgment to form on those proceedings? The right hon. secretary. (Mr. Goulburn) had told the house, that the Government to which he was attached was not a divided Government; and that the greatest possible harmony and good accord prevailed between all its members, and from all the right honourable gentleman had said, the house might really imagine that those members were always in a perfect union of opinion, and sitting side by side in amicable conference. Instead of this however, he (Mr. Brougham) protested that he saw in the constitution of the Government, something which much more resembled the chequered appearance of the keys of a harpsichord. (Laughter.) Keys alternately black and white—black and white, down the whole line, till he came indeed to the spot where the two learned law officers of the Crown of England were fixed; and there there were two blacks together, and no white (cheers and laughter): for there alone it was, that the differences of the Cabinet were not represented, all the other members of the Government were kept exactly opposed to each other, and the balance was nicely trimmed so as to accommodate here, a vote in favour; there, a vote against the Catholic: it was only in the instance of his two honourable and learned friends that the alternating principle upon which this equilibrium was sustained was dropped—those keys were both black—both of them voted uniformly against the Catholics. (Laughter.) “But then,” said the right honourable gentleman, in the words of the old analogy “see how nicely, how harmoniously myself and the Lord Lieutenant of Ireland swim down the stream: we have never had one public measure to execute on which we have differed.” This was just what he (Mr. Brougham) complained of. It was precisely because they had had no measures to effect for the benefit of Ireland, that the right honourable gentleman did not know whether or no he should not differ with the Lord Lieutenant about them. (The honourable and learned gentleman went on to remark upon the too great care which was shown, as vacancies occurred in the cabinet; of so filling them up as to maintain the precise equilibrium of opinion of which he had spoken, without regarding the claims or characters of the individuals who were placed in them; and in the little care which was taken by the Government to impress upon the mind of the Sovereign the importance of that object, and those measure of universal indulgence, on which the interests, honour and security of his Crown so mainly depended. He then described the discordant ma-

terials of which the Government in Ireland was composed; and the manner in which the Lord Lieutenant was thwarted by a Lord Chancellor, who was his co-ordinate, and by a secretary who was subordinate.) Wishing to see all dissensions at an end, he would not vote for the resolution. Disapproving, too, of the conduct of the Attorney-General for Ireland in this matter, he could not bring himself to vote an entire acquittal; but, feeling his first duty to England and to Ireland to be, to prevent the triumph of that bad set of men & principles to which so much of the miseries of Ireland were to be traced, he should vote against the proposition, in the hope that the house would no longer lend itself as a consenting party to a system so utterly disgraceful. (Cheers.) According to the rule of the house, he could not move an amendment on the order of the day. Neither could he, after the statement of his right hon. and learned friend, consistently move an adjournment. But, if he voted for passing to the other order of the day, he would not be understood as approving of the conduct of the law officer; but to proceed only on the intention of not supporting a resolution which, however pure its motives might be, could rarely fail to be attended with disastrous consequences; and in the fixed determination of following up that vote by submitting a motion for inquiry into the conduct of the sheriff. (Cheering.)

Mr. Canning entirely concurred with his hon. and learned friend in saying that the vote he also meant to give would be given in the hope of putting an end, if not to the dissensions of Ireland, at least to those which have arisen out of the occasion referred to. (Hear.) He desired by his vote to afford a triumph to neither party; and he would fain hope, that the house would see the expediency of proceeding upon the same feelings in which he now spoke. He did confess, however, that he thought the hon. and learned gentleman had taken a most extraordinary course for the attainment of his declared object. If it was of moment to tranquillize Ireland, and to return to a settled and impartial system of government, that object could not be effected by breaking up the present system in the mere chance of any other which could be substituted in its room. The right honourable gentleman proceeded to show, that at no time had so great a disposition been manifested by the Government of this Country to give to Ireland the benefits of a free and equal and liberal government as at present; and he argued that the invective of the hon. and learned gentleman was singularly ill-timed, coming as it did at the very moment when such a system was in the course of administration. Whatever might be said of Lord Wellesley's government, he thought that this disposition to confer happiness on Ireland could be no matter of doubt; and it was because he (Mr. Canning) wished the continuance of that Government, and should be averse that by any resolution of the House a blow should be struck

at so essential a member of it as the right hon. and learned gentleman (Mr. Plunkett), that he should concur in a vote which might put an end to the proposition of the hon. gentleman behind him. (Cheers.) He would therefore support the vote of the hon. and learned gentleman (Mr. Brougham), who would much more effectually contribute to the welfare of Ireland, by lending the powerful aid of his talent to the efforts which were making for her amelioration, than by indulging in so vehement an invective as he had uttered against the government.

Mr. DALY censured the conduct of the Attorney-General for Ireland, and trusted the learned gentleman (Mr. Brougham) would follow up his motion against the grand jury of Dublin.

Mr. BROUGHAM expressed his intention of redeeming the pledge he had given, if no one else took up the subject.

The ATTORNEY-GENERAL had no hesitation in saying that his learned friend (Mr. Plunkett) was perfectly justified.

Mr. SCARLETT agreed with the Attorney-General, that the proceeding of the learned gentleman (Mr. Plunkett) was not illegal, but he contended that it was from thence by no means fair to infer that it was constitutional. When the learned gentleman sat down, the cries of “question, question,” became very loud when.

Mr. BROWNLOW rose, and after briefly observing on the nature of the answer given to the case which he had brought forward, declined, in the present state of the question, from pressing it to a division. He should therefore, with the leave of the house, withdraw his motion; but he trusted the honourable and learned gentleman (Mr. Brougham) would bring forward his motion, which should have his support.

The question being then put, and withdrawn, Sir F. BURDETT gave notice of his intention to make a motion on the subject on the 22d instant.

Colonel BAGWELL hoped that if the honourable baronet called the sheriff to the bar of that house, that he would call the second sheriff also.

Mr. ELLIS rose to speak.

Mr. GOULBURN rose to order. The house must, he said, be aware of the inconvenience of going into the question again at that hour.

The SPEAKER having decided, that Mr. ELLIS was not in order the hon. gentleman sat down. On the question being put, that the house do adjourn.

Mr. ELLIS rose and said, he took the opportunity of the question of adjournment, to declare that he had the authority of Mr. Sheriff Thorpe for declaring that that gentleman most anxiously courted inquiry, and in his (Mr. Ellis's) opinion, the house would not discharge its duty if they did not go fully into it.

The house then adjourned at a quarter to one o'clock.